

Self-Represented Litigants Action Plan

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Anthony P. Capozzi President State Bar of California 180 Howard St. San Francisco, CA 94105	A	Y	<p>On behalf of the State Bar of California, I want to congratulate you and your Task Force on its valuable work developing this draft statewide action plan. I also wish to express our appreciation to the Chief Justice and the Judicial Council for being willing to take the lead on a topic of such importance to the judiciary and the entire legal community.</p> <p>The State Bar Board of Governors adopted the attached resolution, supporting the recommendations and offering to work closely with the Judicial Council on implementation of the report's recommendations and strategies.</p> <p>Of particular note to the State Bar are the recommendations involving local bar associations, legal services programs, and other members of the legal community. As these recommendations indicate, lawyers and bar associations have key roles to play in increasing access to justice and improving court services for self-represented litigants.</p> <p>While a high percentage of self-represented litigants can navigate the courts if they receive well-designed self-help assistance, there are many others who require some level of actual legal representation. As appropriately reflected in one of the strategies listed under the first Recommendation, it is critical that the system for serving pro per litigants have a mechanism for referring people to the appropriate level of service. This will encourage those litigants who need legal help to contact a lawyer referral service or a legal services program for the level of service they need.</p> <p>Because legal services programs are already underfunded and can only represent a small</p>	No response required. The Task Force will recommend that the Judicial Council direct the Implementation Task Force to accept the State Bar's offer to work on implementation of the plan.

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				<p>percentage of the low income persons seeking their services, the solution, however, is not merely to refer these litigants to a legal aid office for assistance. As the report makes clear, it is also important for the Bar and the Judiciary to work together to assure adequate funding for legal services programs for low-income Californians.</p> <p>Again, I congratulate you and the Judicial Council for this impressive action plan. The increasing numbers of self-represented litigants in our courts poses a challenge for judges, court clerks, and opposing counsel, and this proposed action plan will serve us well as bench and bar work together over the coming months and years on implementation.</p>	
2.	Carol Huffine Evaluator			<p>It is a good report and a very impressive undertaking. I found only one thing I thought warranted bringing to your attention. On pages 2 of the executive summary and 9 & 14 of the report itself there is reference to one million or more people using the on-line self help center. Unless a person who gets to the site is asked to identify him or her self, I do not understand how one can count number of users. So, I am wondering if the reference isn't to number of hits rather than people.</p>	Will clarify language.
3.	David Long Attorney			Great job! If the Judicial Council adopts this, I am betting it will be a national model.	No response required.
4.	A.J. Tavares I-CAN! Project Manager Legal Aid Society of Orange County	A		<p>Please change our link on page 46 to</p> <p>www.icandocs.org/newweb/</p> <p>and the evaluation link to</p> <p>www.icandocs.org/newweb/eval.html</p> <p>It looks like your team has created a great plan.</p>	Will correct links.
5.	Maggie Reyes-Bordeaux	AM		I have looked over the statewide action plan for	No response required.

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	Attorney Public Counsel			<p>serving self-represented debtors and it looks great. I have a few recommendations.</p> <p>pg. 4.</p> <p>Section II C. That court staff that is bilingual in English and any other language, but especially languages that are most needed by pro se debtors should be actively sought by the courts.</p> <p>Section II E. That on-site computers providing self-help be available directly at the courthouse with full time staff on site.</p> <p>Section II H. That networking with existing programs is vital to providing assistance to low-moderate income debtors.</p> <p>Section IV A. Need court officers that speak more than one language.</p> <p>Section V: A. Information videos be available to watch explaining what will be happening in court.</p> <p>Section VI C. That appointment times be made available to pro se debtors so that they can make arrangements with their work and/or babysitter when they are set to have a court hearing or meeting with an attorney. That there be more flexibility with being able to have 2-3 options of a hearing date so that the debtor can come at a time when he does not have to miss work. Possibly having late court dates so that debtors can come after work.</p> <p>pg. 11. 3rd paragraph: That qualified members of</p>	<p>Will add language encouraging bilingual staff where possible.</p> <p>Agree – added to VI E under “information stations.” This recommendation is already in VI A.</p> <p>Agree and believe that concept is clearly stated.</p> <p>Since court hearings must be conducted in English, it is unclear that this would be as helpful as having court staff who could assist litigants.</p> <p>Agree. Will add this to the section.</p> <p>Will add a recommendation that courts try to provide services during evenings and other non-traditional hours as budget considerations allow.</p> <p>The Task Force thinks that this could be</p>

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				<p>court staff be provided with or create standardized questionnaires soliciting information necessary to assess a client's legal needs.</p> <p>pg. 13. 1st paragraph: It is essential to provide user friendly pro se packets with user friendly instructions.</p> <p>pg. 13 II. A. That information be provided directly to pro se debtors from the courts when a case is filed (via mail or in person).</p> <p>Pg. 13. Bilingual staff must be made available ...</p> <p>pg. 14. Greater language capacity can be accomplished by having or developing greater partnerships with minority bar associations and non-profit organization that have a significant non-English speaking client base.</p> <p>pg.15. Providing malpractice insurance for pro bono cases is vital to encourage attorneys to take pro bono cases.</p> <p>pg. 16. Providing MCLE credit for taking pro bono cases in areas of law where there is a great need by indigent consumers like family law and others.</p> <p>pg. 18. Having the courts provide listings of agencies that provide pro bono assistance to low- moderate income debtors at the time of filing is crucial.</p> <p>pg. 20 PSA's on TV and radio re: resources available to low-moderate income consumers in various languages.</p> <p>pg. 22. Staff at the court house needs to be bilingual</p>	<p>very useful, but is reluctant to suggest that this should be uniform statewide.</p> <p>Agree. Believe that is covered by informational packets.</p> <p>The Task Force will suggest that local courts hand out resources.</p> <p>While bilingual staff is highly desirable, it may not always be possible.</p> <p>Agree, will add this suggestion.</p> <p>This insurance is generally provided by legal services programs providing pro bono assistance.</p> <p>This is an issue that the State Bar would need to consider and is not within the purview of this Task Force.</p> <p>The Task Force is recommending tat a list of referrals be developed by the counties.</p> <p>Agree, will add this suggestion.</p> <p>Will add that it would be extremely helpful</p>

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				<p>and actively asking pro se litigants whether they need assistance and provide them information so that they don't miss hearings or get lost in the process.</p> <p>pg. 26. Partnerships with NOLO Press and possibly on-site references that are made available free or for a fee to people coming to the court house who want some guidance on litigating their case in pro se.</p>	<p>if the persons staffing the information booths were bilingual.</p> <p>The Task Force is concerned about recommending partnerships with a for-profit venture.</p>
6.	Fariba R. Soroosh Family Law Facilitator Superior Court of Santa Clara County	AM		<p>Recommendation I, Section E, Page 20:</p> <p>I am glad to see that you have recognized the need to coordinate self help services with existing self help programs such as the Family Law Facilitator's Office.</p> <p>Our data shows, and statewide data corroborates this, that most self represented litigants need help in the family law area. Therefore, I propose that you go one step further and urge the local courts to centralize family law assistance through the Family Law Facilitator's Office and offer services for all other areas of law (probate, civil, small claims, etc.) through the self help centers. The Family Law Facilitator program is already established and known to the self represented population and need only expand services to all areas of family law. This would be possible if the family law assistance portion of the self help program funding was channeled through the Family Law Facilitator's Office. The Family Law Facilitator staff would have to keep track of the time spent on AB1058 family law assistance versus self help type family law assistance (custody, visitation, divorce, etc.).</p>	<p>The Task Force thinks that services for self-represented litigants should be unified into an administratively consolidated program that includes the office of the Family Law Facilitator. The Task Force clearly recognizes the importance of family law facilitators and recognizes that they may well be the base for this program.</p>
7.	Lu Mellado Nevada County Law Librarian 201 Church St., Ste. 9 Nevada City, CA 95959			<p>On page 60 where the Nevada County Public Law Center is mentioned, it states: "The Public Law Center is located in the court's law library." The Nevada County Superior Court does not have it's</p>	<p>Agree. Will make that correction.</p>

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				own law library. The Public Law Center has a separate office within the Nevada County Law Library, which is located inside the courthouse.	
8.	Enrique Monteagudo University of San Diego School of Law (student)	A		I generally agree with the proposed changes. I would also add a component relating to the State Bar though. The State Bar could modify its rule of professional conduct pertaining to candor to the tribunal to require attorneys to provide the court with the basic legal arguments that apply to the pro-per. The attorney does not have to argue them persuasively, but at least present them in a neutral form. This would only apply to the basic arguments and an attorney would not be penalized for omitting creative arguments that come with experience. This modification would serve the court by presenting all relevant information to make a just decision on the merits. This modification would serve the pro-per by ensuring due process, which would be denied under ineffectiveness of counsel theories, as well as providing a rudimentary education to the pro-per. This 'education', which the Statewide Action Plan also seeks to provide, would focus the pro-per on legal issues (as opposed to tangential issues), thus making more efficient use of judicial resources. Finally, this modification would serve the represented party by reducing the potential for a later appeal on due process grounds, while insuring that any necessary but omitted argument of the pro-per is provided in a neutral rather than persuasive manner.	The Task Force does not believe that this is within its purview and is a recommendation that would need to be considered by the State Bar.
9.	Theresa Coleman CEO Ujamaa RMC	A		For those of us who are disabled (learning) there is no support for assistance to utilize this process. Many of us are denied our right to due process. The whole legal process has just passed us by. If we cannot have access to the law, protection by the written text, and abused by elected officials and government agents what's the point.	Will add language recognizing the importance of providing services to persons with learning disabilities.
10.	Michael Berest			An effective self-help center needs staffing,	Agree, believe that this is covered in

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	Executive Officer Superior Court of Mariposa County			<p>particularly with a facilitator able to assist self-represented litigants with the filing of cases or documents. This not only reduces traffic on clerks, but also enhances access to and fairness within the court system, something recent directives establishing a minimum for court hours of public operation shows the Judicial Council still regard as significant objectives for state trial courts.</p> <p>Self-Help Center Facilitators, however, require ongoing funding, and in a time of budgetary cuts, attempting to provide this out of one's operations budget is ill advised. Considering other potential reductions in service, local revenue may be spread too thin to be useful.</p> <p>The implementation of user fees in self-help centers- is impractical due to the numbers of self-represented litigants we have versus the salary local attorneys require to provide facilitator services; a quick estimate showed me such user fees would have to be upwards of \$50 per litigant to cover costs we need to cover.</p>	<p>recommendation I.</p> <p>Additional sources of funding will be sought to support the courts efforts.</p> <p>The Task Force recognizes that this recommendation may not be a practical one and this feedback from a small court is particularly helpful and will be conveyed to the Judicial Council.</p>
11.	Sharon Kalemkiarian Attorney at Law San Diego	AM		I agree wholeheartedly with the need to open the courts and give some relief to the public and court staff through these recommendations. But there needs to be attention to how those changes will affect represented litigants, particularly in family law.	This is an important issue for judicial education.
12.	Lorraine Woodward Attorney at Law California	AM		<p>Providing assistance for self-represented litigants is crucial. There are individuals (unauthorized practice of law individuals) out there who prey on the unsuspecting self-represented litigant which often results in a litigant spending more time and money on litigation as well as losing many rights.</p> <p>Afterwards, these litigants seek the advice of an attorney to discover that attorneys are no longer able to represent them without fear of being subjected to</p>	Agree

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				<p>malpractice.</p> <p>The main concern for me is that this service should be provided to those unable to afford the services of an attorney and not for those who file frivolous and time consuming lawsuits. This service should be emphasized to assist an individual in order that they comply with local court rules, submit timely notices, and are not there to abuse the legal process or other parties.</p> <p>The following are problems which do not appear to have been addressed by this proposal:</p> <ol style="list-style-type: none"> 1. Some self-represented litigants may have a disability requiring a court accommodation. While the court has made great strides in providing accommodations, many people are unaware of being able to request accommodations for themselves or their witness(es) or even how to access them. This proposal needs to address the education of self-help centers providing assistance to the self-represented litigants in order to provide information on obtaining accommodations. 2. The result of the self-represented litigant service should result in the court staff and justices requiring the same standards as that of an attorney. There are cases where self-represented litigants take advantage of filing and notice requirements, resulting in unnecessary expenses to opposing parties. Recommend notice be provided to self-represented litigants that the judges will treat them the same as the other party and their lawyers in court, including requiring timeliness of submitting complaints, responses, notices, and other time sensitive procedures. All parties will be required to abide by 	<p>The data of current self-help centers indicate that they are used primarily by litigants who do not have resources to hire counsel. Often the centers will refer litigants to counsel. There seems to be no evidence that more frivolous suits are filed. The Task Force does not think that center staff should be placed in the position of determining the merits of a lawsuit.</p> <ol style="list-style-type: none"> 1. Agree. Will add that information about appropriate court accommodations and resources. 2. The issue of handling cases where one side is represented and the other is not is one that the Task Force believes deserves special consideration in Judicial Education.

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				<p>the local rules of court and applicable statutes.</p> <p>3. There needs to be a system of checking for a self-represented litigant filing multiple lawsuits against the same or many parties. The main purpose of the self-represented litigant service should be to provide direction and assistance for those filing lawsuits, not providing assistance for those seeking to file frivolous lawsuits. I recommend a database be maintained that tracks use of this service by an individual or a group using the service and be made available upon request to the public.</p> <p>4. This proposal does not discuss the liability of the court and those providing assistance at the self-help centers? I recommend having a disclaimer and waiver form that is signed for use of the self-help library.</p> <p>5. Recommend minimal service charge for forms and copies. This service charge should have the flexibility to increase and add more charges as necessary to offset costs.</p>	<p>3. There is a system in place for determining if a party is a vexatious litigant. Reports from courts and self-help centers suggest that this is not a significant problem and many centers do not maintain any personal data on the litigants they assist in order to prevent any confusion that they are establishing an attorney-client relationship.</p> <p>4. Agree that Centers should provide litigants with clear information on the scope of their assistance.</p> <p>5. This is a cost local courts may decide to collect. There is some concern that the costs of administration may offset the revenues received.</p>
13.	John Zeis Court Administrative Analyst Superior Court of Shasta County 1500 Court St., Room 205 Redding, Ca 96001	A		Agree.	No response required.
14.	Patricia Foster Tulare County Family Court Services 221 S. Mooney Blvd., Room 203 Visalia, CA 93291	A		The need for self-help centers that can provide assistance with ALL areas of court filings is imperative. Having sufficient personnel to staff these centers is another important service. No matter how much internet availability there is, it does not spell ACCESS like talking to a real person does.	No response required.
15.	Stephen V. Love Executive Officer	AM		According to the report, some local action plans state that Probate's rate of self-represented litigants	Agree. Will add language to make it clear that probate is an area where many self-

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	Superior Court of San Diego County 220 West Broadway San Diego, CA 92101			<p>(SRLs) is 55%, second only to family and unlawful detainer SRL rates of 95%. San Diego Superior Court's anecdotal SRL experience in Probate is at least at this rate, and may be even be higher (particularly in the area of guardianships). Our Probate Manager's experience in statewide discussions and committees has led her to conclude that many Probate Departments have been piecemealing together clinics and volunteer assistance to help with the SRL impact on the court.</p> <p>When Probate Managers get together for bi-annual meetings, the "hot topic" is how to handle the crippling affect pro per guardianships, and to a smaller extent conservatorships, have on the court's ability to move along cases in our care. Appendix 3 of the draft plan summarizes survey results from various courts throughout the state: "The medium-sized and large courts were more likely to cite the need for services in probate guardianship and conservatorship cases.</p> <p>These differences among counties may be related to the greater availability in large counties of community-based services for self-represented litigants in family law." Although the report acknowledges that Probate Court encounters are with SRLs a majority of the time, there have been no concerted efforts (at a statewide level) made yet to meet this need. The draft plan proposes actions to create or expand existing services, but the focus (particularly to the layperson) appears to be mainly on family law issues.</p> <p>Minors and elderly/disabled citizens are at risk of abuse on a daily basis. The Probate Court has been charged with ensuring their safety both on a personal</p>	represented litigants require assistance.

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				<p>and financial level in guardianships and conservatorships. However, the Probate function has not been given the attention and tools, financially or in resources, to help this most vulnerable segment of our population. As a result, on a local level, we somewhat haphazardly offer them self-help booklets, clinics in varying degrees of competency, or nothing at all. Husbands and wives, who are for the most part competent to act in their own behalf, are given a great deal of assistance in filing family-related pleadings through the court's self-help/family law facilitator-type programs. However, no solution has been offered for our most vulnerable citizens who are not competent to care for themselves let alone initiate legal actions.</p> <p>Proposed Modification: That the draft plan should include a recommendation to seek funding of self-help centers or programs that provide facilitator-type services in the area of Probate guardianships and conservatorships in much the same fashion offered to various family courts around the state (could be cited in Recommendation Set VII: Fiscal Impact).</p> <p>Alternatively, the plan should include a recommendation that there be a concentrated effort to address the issues of SRL's in Probate.</p>	
16.	Olivia Herriford Court Planning Consultant Herriford Consultant 2101 Vanderslice Ct. #18 Walnut Creek, CA 94596	AM		<p>Recommendation V.c __ This recommendation lacks balance in the flow of information. When many of the courts developed their local action plans, law enforcement and community organizations provided perspectives that not only informed their plans tremendously, but help in determining public trends and priorities.</p> <p>Recommendation VII.c _The findings related to measurement methodologies described in the report</p>	<p>Agree. Will redraft to make it clear that this should be a two-way dialogue. Law enforcement and community organizations have very valuable information for the court.</p> <p>Agree that any new data requests should be carefully balanced against time</p>

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				are consistent with my experience in assisting with the development of local action plans. However, I would add that there was some frustration with the possibility of yet another requirement for new data. I would suggest that the AOC use existing operations data as much as possible and help with the development of a minimum number of standard surveys to collect qualitative data. Nevada County has begun development of measurement methodologies that apply surveys suggested by the Trial Court Performance Standards.	necessary to complete the data collection, and that existing data sources should be used wherever possible.
17.	Lori Green Managing Attorney Human Rights/Fair Housing Commission Carol Miller Justice Center Court Programs 301 Bicentennial Circle, Room 330 Sacramento, CA 95826	A	Y	On behalf of the Human Rights/Fair Housing Commission we agree with the proposed changes that the Judicial Council has drafted. The Human Rights/Fair Housing Commission of the City and County of Sacramento (later referred to as The Commission) is a Joint Powers Agency created by the City and County of Sacramento in 1963. The Commission has a strong presence within the Sacramento County Superior Court and Small Claims Court and has a history of assisting self-represented litigants. Presently, at the Carol Miller Justice Center the Commission has four court programs that serve the self-represented litigant. The Small Claims Advisory Clinic, which is open Monday through Friday between 8:00 am and 4:30 pm provides free assistance to Small Claims litigants both in –person on a walk-in basis, and over the phone. The advisors, who are attorneys and law students, help individuals with substantive and procedural matters in Small Claims Actions. For the fiscal year 2002-2003 the Small Claims Advisory Clinic helped over 23,914 people. The Unlawful Detainer Advisory Clinic, which is open Monday through Friday between 8:00 am and 4:00 pm, provides free assistance to landlords and	No response required

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				<p>tenants in the eviction setting. Advice is given on a walk-in basis only. The advisors, who are attorneys and supervised law students, help individuals with substantive and procedural matters involved in Unlawful Detainer Actions. For the fiscal year 2002-2003, the Unlawful Detainer Clinic assisted over 12,739.</p> <p>The Commission also provides mediation services to parties involved in Small Claims and Unlawful Detainer lawsuits. In a mediation session, a neutral mediator, who is an attorney or supervised law student, meets with both parties and helps them create a mutual agreement that resolves their lawsuit. For the fiscal year 2002-2003, the Commission mediated 1662 small claims cases with a resolution rate of 82.8% and 293 unlawful detainer cases with a resolution rate of 79.2%.</p> <p>As indicated by our statistics we assist a large number of people every year and the number of litigants we assist continues to grow. Therefore, we strongly support the Judicial Council's goal of providing more space in court facilities for self-help services as well as the continued exploration and pursuit of stable funding strategies. The achievement of these goals will allow us to continue to serve the public and met the needs of the ever-growing populace.</p>	
18.	Stephen A. Bouch Executive Officer Superior Court Napa County	AM	Y	<p>Recommendation I: Self-Help Centers</p> <p>A. The Judicial Council include self-help services as a core court function in the trial court budget process.</p> <p>We strongly agree with this recommendation and strategy. We support the distinction as a core function rather than grant funded, as grants become a liability when the goal is development of a consistent program and on-going services.</p>	No response required.

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				<p>B. Courts utilize court-based, attorney-supervised, staff self-help centers as the optimum way to facilitate the efficient processing of case involving self-represented litigants and to increase access to justice for the public.</p> <p>We strongly agree with the idea that self-help centers be court-based and attorney supervised.</p> <p>E. Self-help centers provide ongoing assistance throughout the entire court process, including collection and enforcement of judgment and orders.</p> <p>We believe this strategy is huge in concept and as such requires resources to implement it. As a result, we disagree with including it as a strategy under the first recommendation but think it should stand on its own as a separate recommendation. This format would allow the many issues included to be thoroughly explained. For example, collection and enforcement of judgment and orders appears to involve a policy shift. This proposal should be flushed out and clarified on its own as a strategy.</p> <p>Recommendation II: Support for Self-Help Services</p> <p>H. The Judicial Council continue to support increased availability of representation for low- and moderate-income individuals.</p> <p>We recommend that a new strategy be added under this recommendation that calls for new legislation to address the ethical and liability issues faced by the private bar in the area of unbundled services.</p>	<p>No response required.</p> <p>Based upon reports from self-help centers and family law facilitators, the Task Force believes that this is already part of the service that most self-help centers provide, and thus, do not think that this should be broken out.</p> <p>Disagree. Believe that this issue has been resolved by the Bar and that legislation is not required.</p>

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				<p>Recommendation III: Allocation of Existing Resources</p> <p>A. Judicial officers handling large numbers of cases involving self-represented litigants be given high priority for allocation of support services such as research attorneys.</p> <p>We agree with the concept behind this strategy, however, court resources do not support its implementation. We need to strengthen the budget process to make this a realistic strategy.</p> <p>B. Courts continue, or implement, a self-represented litigant planning process that includes both court and community stakeholders, and works toward ongoing coordination of efforts.</p> <p>We agree that community collaboration is needed in the area of self represented litigants. We need accompanying resources, however. We also need a specify policy statement from the Judicial Council regarding the extent to which courts are able to partner with community agencies. The statement needs to clarify whether or how it is acceptable for judges to become involved with collaboration efforts to coordinate legal services for litigants.</p> <p>Recommendation IV: Judicial Branch Education</p> <p>A. A formal curriculum and education program be developed to assist judicial officers and other court staff in dealing with the population of litigants who navigate the court without the benefit of counsel.</p> <p>We support the recommendation for a formal curriculum for judicial officers and other court staff</p>	<p>The specific reference to research attorneys will be removed. While recognizing that these are extremely challenging times, the Task Force thinks that some resources currently available may be reallocated without additional cost.</p> <p>Standard 39 of the California Rules of Court "The Role of the Judiciary in the Community" provides some guidance as do materials developed for the court-community strategic planning efforts.</p> <p>Agree. Will clarify this in the description of training.</p>

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				<p>dealing with self represented litigants. We think this should include sensitivity training for court personnel about litigants.</p> <p>Recommendation V: Public and Intergovernmental Education and Outreach A. The AOC continue to develop informational material and explore models to explain the judicial system to the public.</p> <p>We agree with this strategy but think it needs clarification and expansion.</p> <p>First, it should be clarified somewhere that help for self represented litigants is part of a larger education effort, envisioned as part of statewide community outreach. It would be much more helpful to the public if they understood the role of the courts in our society before they needed to avail themselves of court services. Basic information about the purpose and function of the judicial branch as well as specific information about court procedures needs to be part of this larger effort.</p> <p>Second, the strategy needs to clarify what types of outreach activities are acceptable for judicial participation. Judges should have clear guidance on this issue, so that ethical dilemmas can be avoided.</p> <p>Third, we agree that reaching out in different languages needs to be part of the strategy; however, this is a huge issue that will require significant resources to address. Also, many immigrants coming to the court have not only language barriers but cultural barriers as well. Ideas for addressing these types of issues were included in the <i>Justice in the Balance 2020</i> report.</p>	<p>Agree. This is part of a major educational effort by the Judicial Council.</p> <p>Standard 39 of the California Rules of Court "The Role of the Judiciary in the Community" provides some guidance.</p> <p>Agree. This is part of an on-going effort of the courts.</p>

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				<p>D. The Judicial Council continue to coordinate with the State Bar of California, the Legal Aid Association of California, the California Commission on Access to Justice, and other statewide entities on public outreach efforts.</p> <p>We agree with this strategy but think it should be expanded to include all appropriate public agencies and non-profit agencies. Currently, there is a disconnect between the court and other agencies regarding service provision. Emphasis needs to be placed on the sharing of consistent, accurate and up to date information.</p> <p>Recommendation VI: Facilities A. Court facilities plans developed by the AOC include space for self-help centers in designs for future courthouse facilities, or remodeling existing facilities.</p> <p>We strongly agree with the recommendation to have self help services close to the clerk's office. We think that the court's commitment to self help services is illustrated by adequate space. We would like to add a statement to the strategy that states to the extent possible satellite centers will be supported by the AOC.</p> <p>We agree with the concept behind courts seeing the courthouse through the eyes of a first time user, as stated in this strategy. We think this recommendation seems out of place here, however, as it is very specific compared to most of what is recommended. We think the second paragraph should open with the statement "Courts should periodically assess how easy it is for court users to</p>	<p>Agree. This is somewhat more complicated on a state level, and might best be accomplished by coalitions of non-profit agencies, but the general importance of reaching out to appropriate public and non-profit agencies is an important one.</p> <p>The Task Force thinks that this is an issue that is dependent on a variety of factors that should be determined on a case-by-case basis.</p> <p>Will revise language as suggested.</p>

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				<p>get around the courthouse. One idea is to develop...”</p> <p>D. Facilities include children’s waiting areas for litigants who are at the court for hearings or to prepare and file paperwork.</p> <p>We strongly agree with the concept of children’s waiting areas in the courthouse. We think clarification is needed, however. Does the AOC perceive children’s waiting rooms as a function of the self help center or as part of the larger court operation? While we agree that these waiting rooms must be properly staffed, we are unsure what parameters are envisioned. For example, should these be volunteers, paid court staff, staff from other agencies, etc. How will licensing and liability issues be addressed?</p> <p>Recommendation VII: Fiscal Impact A. Continued stable funding be sought to expand successful pilot programs statewide.</p> <p>We disagree with the wording for the first strategy. It appears to conflict with the idea of ‘stable funding’ as pilot programs based on grants are inherently unstable. Further, often staffing is not included as the funds are available for one time expenditures only.</p> <p>We think the wording of the strategy statement needs to be very specific, such as “Self help services should be made part of the statewide baseline budget process.”</p> <p>We also recommended that the order of the paragraphs be reversed, so that the concepts of</p>	<p>The Task Force believes that children’s waiting rooms are part of a larger court operation and that the details of operation should be established by the courts themselves.</p> <p>Agree. Will revise language to delete the word “pilot.”</p>

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				<p>adequate and stable funding is the focus. We think that it should be clarified that grants are the last resort to develop a stable funding stream although beneficial for the creation of innovative pilot projects. A move away from grants as the primary source of funding to supplemental funding will enable programs to become part of operations while still maintaining the innovations that result from grants.</p> <p>B. The AOC identify, collect, and report on data that support development of continued and future funding for programs for self-represented litigants.</p> <p>We agree that data collection is essential to support funding requests, but disagree with the wording of the second paragraph. We think that it would be better to make a general statement that such “Other community agencies may have data to assist us in determining legal needs in specific areas. We should explore collaborations with the following agencies..” The list of agencies currently included in the second paragraph would follow.</p> <p>D. Uniform standards for self-help centers be established.</p> <p>We agree with the concept of uniform standards, but suggest some changes to the wording. We think the criteria should include “levels of service provided” and we think “experience” should be changed to “staffing qualifications”. We are not sure that it is a good idea to include “hours of operation” as it will be difficult and perhaps unnecessary for courts to keep the same hours. The needs will vary by court workload and demographic composition of each county.</p>	<p>Agree, will make changes to language as suggested.</p> <p>The Task Force believes that hours of operation should be considered, although differences based upon population should certainly be considered. Levels of service provided and staffing qualifications will be included.</p>

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				<p>E. The feasibility of additional revenue generating techniques, such as fees for selected services by self-help centers, be explored if appropriate.</p> <p>We disagree with this strategy and recommend its elimination from the report for the following reasons.</p> <p>First, we have already imposed large fee increases for filing court cases and documents. The effect of this has been a huge surge in fee waivers, resulting in excessive administrative paperwork that must be processed. This same consequence is likely with self represented litigant services as in many cases, an inability to pay is the reason attorney services are not secured by the litigant in the first place.</p> <p>Second, if we start out charging fees for these services, we will never have adequate funding. The services will be considered fee based and we will not have the opportunity to seek funding as the “die will be cast”. The same inconsistent unreliable funding stream we have now with grants will exist under a fee based system as funds will be dependent on ability to pay.</p> <p>Finally, we would like to add a strategy to the report. We think that local networking of court self help centers is essential to the implementation of a statewide program. The purposes are to share best practices, increase consistency in services provided and their delivery, increase efficiency of program development and create an ability to address problems in a comprehensive manner.</p>	<p>These are important points and will be reflected in the report.</p> <p>Agree. This suggestion will be included.</p>
19.	M. Sue Talia Attorney at Law P.O. Box 2335	A		I have thoroughly reviewed the Task Force’s Action Plan and am pleased to have the opportunity to make comments. My comments focus on family law,	No response required.

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	Danville, CA 94526-7335			<p>as that is the area of my expertise, and that is where I have seen the greatest need, demanding the most innovative thinking in this area.</p> <p>First, I would like to congratulate the Task Force on it's thorough and carefully thought out plan. It is clear that much time and effort has been invested by your members looking at these serious issues from a variety of perspectives. In my opinion, the challenge of meeting the needs of self-represented litigants is the most compelling issue facing our courts at the present time. The effectiveness with which the courts and related interests address these issues and provide sensible, cost effective and practical solutions is the benchmark by which we may estimate the future effectiveness of the courts as an ongoing institution in our society. Address them effectively, and the evolution of the courts will be progressive, positive and successful. Fail to address them, or settle for interim, superficial solutions to these deep-seated problems, and I fear for the future of our legal system and the quality of justice which our citizens are entitled to expect from it.</p> <p>I find much encouragement from the statement "there is a compelling need throughout the state for courts to change the way they have been doing business." The crisis faced by our courts requires nothing less than a full-scale overhaul of the system, starting with the way we think about the roles of litigants, lawyers and courts, and flowing through that process all the way to completely restructuring the way courts are designed and built, staffed and funded. It is clear that your task force took this view in addressing it's assigned task, and began by acknowledging the fact that "this is a reality that is unlikely to change any time soon." I would expand that statement to add that any change will not be in the direction of reverting to the courts and systems of the past. Rather, change is</p>	<p>The Task Force believes that this point has been made in the report.</p>

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				<p>likely to consist of an acceleration of the societal pressures referenced in your Action Plan, taking us entirely in a new direction.</p> <p>Recommendation #1 Self help must be defined as a core function of the courts. While efforts may be made to streamline forms and procedures to make them more understandable and useful for the self-represented, that alone is just the start. It would be a cruel joke to offer only simplified forms without affording the litigant the accessible, reliable and timely explanations, staffing and other resources which allow for their effective use. We say that our courts are open to all citizens, regardless of education, wealth or availability of representation. We don't always perform on this promise. I like the quote from Justice Mayfield's dissenting opinion in <i>Moore v. Price</i>, 914 S.W. 2d 318, 323 (Ark. 1996): "Lest the citizenry lose faith in the substance of the system and the procedures we use to administer it, we can ill afford to confront them with a government dominated by forms and mysterious rituals and then tell them that they lose because they did not know how to play the game or should not have taken us at our word." I cannot sufficiently emphasize the importance of staffing the self help centers. Many of the litigant's questions do not require legal advice. Rather, they require someone familiar with the system and procedures and how they work. Manuals and written instructions are simply insufficient. While literacy is often an issue, the problem is far more broad. Many people simply don't process information they receive in written form as effectively as they do when they receive it verbally. And for many, personal contact with a helpful staff person is essential. Rather than</p>	No response required. Believe that the need for adequate staffing is discussed.

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				<p>being forced into a foreign and sterile atmosphere, they should be able to expect contact with a responsible, helpful <i>person</i>.</p> <p>A key component is staff training and relief from the prohibition which currently prevents clerks from offering the most basic and simple information, for fear that it will be construed as giving "legal advice." This issue is illustrated from a story which was told to me when I was conducting focus groups for the Limited Scope Task Force. I had a focus group of litigants who had used limited scope representation. Among them was a woman whose disability payments were terminated by the insurance company. She was attempting to sue the carrier to reinstate the payments. After numerous attempts to get it right, she filed the action with the clerk. She asked the clerk at the window what the statute of limitations was. The clerk dutifully told her she couldn't offer legal advice. When she explained that she had been trying for months to get the complaint filed and was afraid she was coming up against the statute, another clerk who was standing behind the one at the desk held up the correct number of fingers. Relieved, she proceeded. This is a prime example of the kind of information which should be made readily available to litigants. Many areas of procedure fall into the definition of legal information, and it is ludicrous to prevent the very clerks who enforce them on a daily basis from sharing the information with litigants in the name of avoiding the "unauthorized practice of law" and protecting them from the possibility of misinformation.</p> <p>Court based self help centers should be staffed by individuals who are trained not only to do triage, as you recommend, but to expand the functions performed by the facilitators. Collection and enforcement of judgments is a key area where little is</p>	<p>Agree, believe that this is covered by the recommendation.</p>

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				<p>currently available to self represented litigants. They went to court, they may have well gotten an enforceable written order (perhaps with the aid of the facilitator or a limited scope attorney). They think they have a right to receive payments. If, however, when the payments aren't made as ordered, citizens are left without effective means to collect them (an often difficult and technical area), the order on which they relied becomes little more than a cruel joke, creating the illusion of a legal right without making it a reality on which they can rely. This is particularly important when the bulk of the litigants who fall into this category of being unable to enforce their support rights are among our poorest citizens, the very ones who can <i>least</i> afford either to survive without the payments which have been awarded to them or pay someone else to collect for them.</p> <p>Finally, I strongly support the recommendation to take the self help centers into the neighborhoods. The van is an excellent idea. Even better would be neighborhood self help centers where the many self help litigants who live at a distance from the courts could obtain their forms, file pleadings, and the like.</p> <p>Recommendation #2 The recommendations made by the task force will require serious support from the AOC. Handouts and written materials are excellent by not sufficient by themselves. I commend the AOC for its efforts in making these materials available on the internet. However, many of the people who need these services are not computer literate. This underscores the necessity of having staffed (and bilingual, where necessary) self help centers where then can get assistance in using the many resources which are already out there.</p>	<p>Believe that this may well be considered by courts, but has significant budget issues.</p> <p>No response required.</p>

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				<p>It is interesting that you report that over one million people used the Self Help Website in 2002. When one considers how many others are not computer literate, the demand is staggering.</p> <p>You recommend that the AOC continue to simplify forms and instructions. I fully agree. However, that also, requires further re-thinking of the courts. The example comes to mind of the large Vietnamese population in Santa Clara County. If the forms are translated into Vietnamese, does this require clerks and bench officers also fluent in that language? I don't know the answer to this, but pose the question. I strongly support your recommendation that the AOC train clerks to issue orders after hearing in the courtroom. Computer programs should be able to substantially simplify this function. The reality is that all too many litigants go to court, think they "won," and have no clue how to reduce that into an enforceable order which they can take to an employer for a wage assignment.</p> <p>Training and assignment of judges for the self-represented litigant calendars is essential. I agree that the AOC should provide training in these areas. The reality is that the calendars which are heavily self-represented are usually the least attractive in the court house. They are frequently assigned to the least experienced bench officer, and are frequently understaffed. The reverse should be the case. They should be the larger courtrooms, with more staff, and a greater proportion of the available resources than less active calendars/cases. I could not agree more with your statement that "The importance of assigning suitable and talented judicial officers and staff who possess the requisite energy and enthusiasm to deal with calendars with a high volume of self-represented litigants cannot be overstated." I</p>	<p>Translations are only available as informational sheets. The completed forms cannot be submitted in Vietnamese.</p> <p>No response required.</p>

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				<p>suggest as a model of talent and enthusiasm Commissioner Liddle in Contra Costa County. He handles a diverse calendar of DCSS matters, and when the Peter L. Spinetta Family Court Building was being designed, the courts wisely allocated the largest and most prominent courtroom and the largest staff to that department.</p> <p>I further agree with your statement that "All too often calendars with the greatest frequency of self-represented litigants receive the smallest proportion of court resources." The sad fact is that the average citizen, who pays the taxes to support the courts, only sees the inside of the building when obtaining a divorce. Their common experience is to be treated shabbily indeed, shunted to the least attractive and seriously understaffed court room, pressured to present critical issues involving their families and futures in twenty minutes or less, and then hustled out to make way for the next case. As you point out, this single experience will be the sole basis for determining the individual's trust and confidence in the courts. Meanwhile, around the corner, a majestic courtroom with ample staff will devote the better part of a week to determining a \$35,000 boundary dispute.</p> <p>Recommendation #4</p> <p>I commend you for placing such a high priority on judicial branch education. Since the self represented frequently lack sophistication, fairness and justice demands that they have access to a talented judicial officer well versed in the law. Learning "on the come" to deal with the issues presented by the self-represented serves neither the judicial officer nor the litigant. Australia has an excellent training film (available through Steve Adams of CFLR, I believe) which could serve as a model for such a program</p>	No response required.

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				<p>here.</p> <p>You are correct in identifying the gap between court staff's perception of what is needed and that of the litigant. It is not surprising that many staff burn out from the overwhelming needs of those consulting them. It is important that staff receive direction from above, with enthusiasm. It is equally important that staff work in teams with supportive colleagues. These assignments are simply too stressful to throw a single staff person into the midst of the maelstrom without assistance. That would be a recipe for disaster. Too many staff consider the self represented a burden which takes them away from their "real" work. This attitude must be bridged by better staff education and supportive and enthusiastic supervision. If they had better training, and were given the skills necessary to address the specific issues raised by self represented litigants, they would be less likely to burn out.</p> <p>You have correctly pointed out at page 18 the importance of giving courts and staff the skills necessary to face these challenges. A different skill set is required to assist self-represented litigants than attorneys and their experienced staff. The reality is that the situation is not going to change. The self represented are not going to go away, and the sooner the courts develop a program to teach the skills required to address their legitimate needs, the sooner the inevitable tensions which these conflicts create will be relieved.</p> <p>I have earlier addressed the issue of allowing court clerks to give more information than they currently do, and agree with your conclusion that this makes additional and effective training of court staff critical.</p> <p>Recommendation #5 Outreach is an important element of your action plan.</p>	<p>Local cable television will be added to the list for outreach possibilities.</p>

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				<p>People do want to hear from the courts and know what is going on. One underutilized avenue is local cable television. In Contra Costa County, the court based informational programs are the most successful ones they do. In addition to the talk show "For the Record," which addresses timely issues, this is an excellent way to promote videos and training films, including role playing in the courts, which could be shown repeatedly on the cable network. I'm told that the local program on domestic violence is the most popular training film they have, and shows regularly. These programs aren't just aired once: the cable show has regular slots where they are shown again and again. It is important to note that repetition is crucial. A program which will not be relevant to a litigant in August may cover an issue which is critical in October. Most local cable programming stations are looking for material to fill their airtime and would be glad to showcase these materials.</p> <p>I particularly like the suggestion for outreach to the legislators. They need to be educated on the court perspective and brought into the solution from the beginning.</p> <p>There's another wrinkle, which ties in with not only staff self help centers, but encouragement of limited scope representation: better educated and prepared self-represented litigants will result in fewer hearings which must be continued, and fewer wasted hearings. We all know that continuances cost the courts a huge amount of money and resources, and the hour of court time which is wasted because no one was ready to proceed can never be recovered. And yes, it is self-evident that court based fees should be used for court based services. Would that it were so. I support this goal.</p>	

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				<p>Recommendation #6</p> <p>There is a huge range of facilities in the state, and the task of bringing them all up to standard is a daunting one. However, I commend the Peter L. Spinetta Family Law Building in Contra Costa County (commonly referred to as the "Pine Street" court house) as a model. It isn't perfect, as it lacks the computers, staffing for the childcare center and some of the other resources which would ideally be available. However, it was thoroughly researched and very well thought out. Waiting areas and childcare space have been provided for. Litigants should not have to try to watch their children play in the halls of the courthouse while they are trying to obtain their restraining orders. Children don't belong there, and the parents often don't have a viable alternative. There should be a safe place for children to wait while their parents attend to their legal business. And, of course, I agree that the waiting rooms should be staffed and secure.</p> <p>Minimum standards for self help facilities is a good idea. However, they should allow for local idiosyncrasies. Different populations of litigants have differing needs, and while minimum standards would be helpful, they should be done in a way to encourage counties to amplify them to meet the needs of their local populations of litigants.</p> <p>It is difficult to overestimate the importance of AOC assistance to local courts to obtain funding, enhance buying power and the like. I personally observed the results from the AOC funding in support of limited scope representation and the four regional conferences which resulted from your 1999 action plan. Many of the counties to whom I spoke would never have been made aware of the resources and programs available, but for the work of the AOC in first, making the grants available and, equally</p>	No response required.

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				<p>importantly, putting on regional programs to teach the court personnel how to prepare effective grant proposals. Without the direction of the AOC, they would have been unlikely to “get it together” sufficiently to put on the many programs which I have observed in the past three years. This function is critical and should be encouraged and expanded.</p> <p>Model Plan</p> <p>I addressed many of these issues in a Model Plan for overhauling the family law courts which I wrote in 1999. Attached is an excerpt from that plan which addresses self-help centers. It was designed for a “better and more perfect world” where the allocation of public resources to families and children matches the priority given them in our public rhetoric. The full plan, which covers areas outside the scope of your action plan is available to anyone who would like to see it.</p> <p>In closing, I commend the task force on an impressive, thoughtful and thorough piece of work. You are right in your belief that only “by directly confronting the enormity of pro per litigation” can the courts improve the quality of their service to the public.</p> <p>FAMILY INFORMATION CENTERS</p> <p>Family Information Centers would be established at neighborhood locations throughout the community. Convenience to the court would not be the primary concern; convenience to the population requiring information would be. Centers would, at a <i>minimum</i> provide the following:</p> <ol style="list-style-type: none"> 1. Free, anonymous information to anyone wanting it. That information would include court forms, videos, a client library, (consisting both of relevant books and resources on computer), instructions on procedures and filling out forms, lists 	<p>This is a helpful vision of information that could be provided.</p>

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				<p>of mediators, unbundled attorneys, counselors and experts in specific areas, such as military or pension law.</p> <p>2. The centers would be staffed with clerks, who would be bilingual as appropriate. Both the informational videos and the staff assistance would be offered in the native tongue.</p> <p>3. A bank of video monitors would be available with headphones. Videos would be available on any relevant topic, such as:</p> <p>How to use the facilities;</p> <p>How to fill out forms to obtain a restraining order;</p> <p>How to fill out forms to obtain other relief;</p> <p>Alternate resolution options, including mediation and unbundled representation;</p> <p>How to insulate the children from their parent's conflict;</p> <p>How to prepare an age-appropriate parenting plan which serves the needs of the children.</p> <p>Where to find low-cost counseling or support groups, including support groups for children of divorce;</p> <p>How to calculate support (and child support would <i>not be solely tied to timeshare</i>);</p> <p>Where to find experts in specific fields and geographical areas;</p> <p>Where to find qualified mediators;</p> <p>Where to find attorneys willing to offer unbundled legal services:</p> <p>How property is valued and divided;</p> <p>Applicable court procedures;</p> <p>. . . and literally any other topic which would assist them in making good choices. For example, someone wanting to know how to obtain a restraining order would be directed to watch video #23, in Spanish if appropriate. This video bank would be updated regularly to address frequently asked questions.</p>	

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				<p>4. A second set of computers would run local support guidelines (after parties have viewed the instructional video). Technicians would be available to assist in support calculations.</p> <p>5. A third set of computers would be used for access to online resources. They could also access web sites for mediators, evaluators, and other assistance. For example, if there is a question of the applicability of the Soldier's and Sailor's Relief Act, there should be a way to contact military experts on the spot to answer the question, or at least direct individuals where to look for necessary information.</p> <p>6. A fourth set of computers would be reserved for use in preparing court forms and pleadings, the format of which would be vastly simplified.</p> <p>7. Mediation materials would be readily available, including explanations of how it works, how to prepare for mediation, and lists of mediators in the area.</p> <p>8. Child care would be provided.</p> <p>9. Parenting, anger management, or other classes would be available, bilingual if appropriate.</p> <p>10. Children's programs (such as the highly successful Kid's Turn in Northern California) would help kids cope with the divorce and give them a safe place to interact with other kids. These programs would be funded by the taxpayers because they would have a higher priority than courtrooms.</p> <p>11. Kids could access on-line assistance at no charge, such as Not My Divorce, a bulletin board where kids can post messages about their feelings, at divorceinfo.com.</p> <p>12. Individuals would be able to obtain information on local counseling services, which would have sliding fee schedules.</p> <p>13. The entire family information center would be free and anonymous. Technicians could offer</p>	

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				<p>to work with <u>qualified legal services organizations....</u> <u>III.B., 4. Develop guidelines for identifying self-help litigants who, for whatever reasons, should seek legal representation and an organized system for referring such litigants to appropriate organizations, such as certified lawyer referral services programs, qualified legal services organizations and pro bono programs.</u> Should a 5. be added, recommending that local courts report to the AOC annually on their respective planning process and their prior-year accomplishments? <u>VII.E., - Minimum staffing levels to provide core services, with appropriate referral mechanisms in place.</u></p>	<p>Agree. This will be included.</p> <p>Agree. Will include this concept.</p>
21.	Jody Farrell Office of the Family Law Facilitator Superior Court of Orange County 341 The City Drive Orange, CA	A		<p>I was on the committee for "Assisting Self-Represented Litigants Action Planning team" in 7/27/02. I agree with the Statewide Action Plan for Serving Self-Represented Litigants as proposed. Excellent presentation. I would propose that since Facilitator's exist in most statewide courts that from an economic advantage, we expand the existing Facilitator's offices with trial court funding to provide services and assistance to the pro per that include services beyond Title IV-D funding. Many facilitator's offices are freely staffed and could expand their services relatively easily without substantial funding for staff, space, products and services.</p>	<p>The Task Force thinks that services for self-represented litigants should be unified into an administratively consolidated program that includes the office of the Family Law Facilitator. The Task Force clearly recognizes the importance of family law facilitators and recognizes that they may well be the base for this program.</p>
22.	Lorraine Torres Family Law Facilitator Superior Court of Orange County 341 The City Drive West Orange, CA 92868	A		<p>Recommendations I, II, VII – Increase funding for expansion of FLF and FLIC. A more stable non-grant generated source of funding is a laudable and hopefully attainable goal.</p>	<p>No response required.</p>
23.	Lee C. Pearce	A	N	<p>I have had an opportunity to review the Action Plan for Self Represented Litigants, and would like to compliment the task force members on their</p>	<p>No response required.</p>

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				<p>thoughtful analysis of one of the most challenging issues facing our courts. It is clear that the forces which are requiring us to completely reevaluate the manner in which our courts serve the public are only going to accelerate. Only by facing these issues squarely and uncompromisingly can we hope to make the changes which are necessary if our courts are to effectively serve this huge segment of our population.</p> <p>I strongly support the concept of neighborhood self help centers. Many of these people cannot get to the court, or can do so only with great inconvenience. We need to take the information to them, so that they can have the resources and knowledge to protect their rights. All too many self represented litigants have no alternative to a bus ride of several hours (often with small children in tow), only to reach the court house and find there is limited information. This is not a criticism of the facilitators. They do a wonderful job, but there should be many more of them, and they should be available in the neighborhoods, where much of the population they serve resides.</p> <p>It is essential that the self help centers be staffed. Litigants need to be able to talk to helpful staff who can point them in the direction of the resources they need. Without helpful staff, the system is simply overwhelming for most of them.</p> <p>Similarly, the entire system, from forms to procedures, must be seriously simplified if these people are to be expected to navigate the system on their own.</p> <p>Improved services will result in greater efficiency in</p>	<p>Will clarify that self-help services may be offered in a variety of locations.</p> <p>Agree. Believe that this is adequately addressed in the report.</p> <p>Agree. Believe that this is addressed in the report.</p> <p>Agree. The opportunity to provide a second clerk may not be available due to</p>

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				<p>calendars which are largely pro per. There will be fewer continuances, more intelligible pleadings, enforceable orders (and I strongly support the concept of court clerks having the ability to draft orders after hearing), and greater overall efficiency in the court house. A second clerk should be available to prepare the orders. It is unreasonable to expect the clerk who is responsible for calendar management, marking exhibits, swearing witnesses, and all their other duties, to be preparing the orders after hearing as well.</p> <p>You should include practicing attorneys in your outreach. Many will be threatened by the self help centers and view them as taking away their own livelihood. It is important to educate them, and make it clear that the self represented are not current candidates to be clients, and not likely to become so. It is taking nothing from them and their paying clientele. Similarly, it would be helpful to point out to them that increased efficiency on pro per calendars will result in more time being made available for cases where the parties are represented.</p> <p>Training in handling self represented litigants should be extended to pro tem attorneys, who assume a large amount of this burden in many courts. It is unreasonable and unfair to both the pro tems and the litigants, to thrust them onto these calendars with inadequate training.</p> <p>Finally, I would add that there should be flexibility to allow local ability to adjust filing fees and other court fees to help underwrite these important services.</p>	<p>budget considerations, but is an issue that should be considered in staffing calendars involving a large number of unrepresented litigants.</p> <p>Agree. The Task Force envisions incorporating local bar associations into outreach efforts.</p> <p>Agree.</p> <p>The Task Force is concerned that adding flexibility would lead to increased differences in level of services available throughout the state.</p>
24.	Millemann, Michael mmillemann@law.umaryland.edu	A		The plan is great and a model for other states to follow. The final Handbook and Appendices on Limited Scope Legal Assistance are at	No response required.

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				http://www.abanet.org/litigation/taskforces/modest/home.html	
25.	Joseph Maizlish Martin Luther King Dispute Resolution Center 4182 S. Western Ave. Los Angeles, CA 90062 jmaizlish@sclcla.org	AM		<p>The executive summary suggest that 'court-based fees' be directed to legal assistance to self-represented litigants, but makes no mention of continuing to use part of those fees for mediation programs. Those fees now support both court-based mediation and community mediation agencies.</p> <p>Community mediation agencies handle many matters before filing and many after filing but before other proceedings. Many self-represented defendants contact agencies listed in the ADR brochure which accompanies their summons, and use mediation to resolve their cases. Yes, such litigants also need the legal assistance which the mediation agencies cannot provide, and thus the action plan will be very helpful to them.</p> <p>Please modify the action plan to assure reservation of a substantial portion of 'court-based fees' for court and community mediation services, both of which resolve even filed matters directly or lead to pre-trial resolutions, and very often assist in cases involving one or more self-represented litigants.</p>	Agree. Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies.
26.	Judge Lora J. Livingston Chair ABA Standing Committee on the Delivery of Legal Services	AM		<p>I am writing on behalf of the ABA Standing Committee on the Delivery of Legal Services. The committee has had the opportunity to review the draft Statewide Action Plan for Serving Self-Represented Litigants and wishes to submit these brief comments. First, please understand that our observations and comments are those of the committee and should not be construed to be those of the American Bar Association, nor should they be construed to reflect the policy of the ABA.</p> <p>The mission of the ABA Standing Committee on the</p>	No response required.

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				<p>Delivery of Legal Services is to maximize access to legal services and justice to those of moderate income. In pursuit of that mission, we have researched and addressed issues of pro se litigation for the past 20 years. Among other things, our research was instrumental in the development of the original self-help center, established in Maricopa County, Arizona, ten years ago.</p> <p>The committee applauds the efforts of the California Task Force on Self-Represented Litigants for the development of its statewide action plan. We encourage other states to pursue action plans of this nature. Specifically, we believe the advancement and support of self-help centers, as reflected in the report, will continue to address many of the needs of pro se litigants. We are particularly supportive of the measures set out in Recommendation II, which stress the use of technology and the collaboration with the State Bar in promoting access.</p> <p>These recommendations are consistent with the committee's report on the hearing on access to justice issued earlier this year. The need to approach solutions to legal problems on a continuum was a common theme running throughout the hearing presentations and resulting strategies. People who have various avenues of information and services will be better positioned to effectively use the courts to meet their legal needs. The self-help centers, and their online counter-part, are able to provide pro se litigants with necessary information and administrative support. As we progress through the continuum, we find there are also those who need legal advice, if not full representation, to assist them in their decision-making processes. As a result, fostering ties between the courts' vehicles, such as self-help centers, and practicing lawyers is an</p>	<p>No response required.</p> <p>No response required.</p>

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				<p>essential ingredient to meet the needs of pro se litigants.</p> <p>We would also like to comment on two issues not fully addressed in the task force's report. First, we encourage the task force to stress the need to make court services available on those days and at those times when working people are less likely to be at work. While the outreach offered by the California Courts Online Self-Help Center is exemplary, we assume there are many people in need of services that are not Internet competent and that work during traditional court hours. For those of moderate income, missing work will at best result in a lowered income and at worst result in the loss of their jobs.</p> <p>Second, we encourage the court to include within its plan the need to review court procedures in an effort to minimize the number of times people must come to the courthouse. We now have the capacity to employ strategies that reduce the need to appear, by either substituting electronic interface, or more simply, staffing hotlines. In some circumstances, a review of procedures, particularly for uncontested matters, may find that steps in the process can be eliminated and due process can be retained. Additionally, replacing some matters that are historically judicial functions with more of an administrative procedure can meet the legal needs of those who are not fully represented by lawyers and reduce the burdens on the courts significantly.</p>	<p>Agree. Will add that services should be available at expanded times whenever possible given budget concerns.</p> <p>The Task Force is not prepared to make this a blanket statement as some judicial models including drug court and domestic violence court are based upon multiple appearances to help support litigants in their efforts to make changes.</p> <p>However, this is an important issue for judicial education so that judges consider the impact of required multiple appearances.</p> <p>The Task Force is not prepared to suggest that some traditionally judicial functions be made administrative.</p>
27.	Sherri Lugenbeal 732A Curtola Parkway Vallejo, CA 94590			<p>I'm sure any changes would be beneficial to the self-representing litigant BUT the bottom line is: is there really help to the individual? Too much staff? Not enough hands on help? Too much BS? Probably. Just get down to the nitty gritty please. Help each self-representing litigant (not just certain departments</p>	No response required.

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				of the court but all). They are there for a reason. They need help because the justice system has done them wrong or someone has abused there power. They don't have any money or atleast not the thousands of dollars that a lawyer wants. What happened to caring about right and wrong? What about the CHILDREN?! Someone needs to do something to save this country. Please try to make a difference. I do.	
28.	Anne R. Bernardo Director Tulare County Public Law Library 221 S. Mooney Blvd., Rm. 1 Visalia, CA 93291	AM		<p>I applaud the Task Force on developing this very strong proposal. I believe several Recommendations could be made stronger by specifically adding mention of developing a working relationship with the county public law libraries in the state and utilizing the resources of the county law libraries. Established since 1891, the county law libraries have long served as the frontline in the public's access to justice.</p> <p>Recommendation II,A. With appropriate support, the county law libraries could serve as a resource library as well for use by the self-help centers. No need to duplicate efforts or materials.</p> <p>Recommendation VI,A. As many county law libraries are located in the courthouses and are being considered in future courthouse plans, locate the self-help centers near the law libraries for self-represented litigants convenience and shared resources.</p>	<p>Agree. Will add the importance of working with law libraries to a number of recommendations.</p> <p>The materials envisioned are somewhat different than those usually available at law libraries. These materials should also be made available to law libraries.</p> <p>Agree. This may well be appropriate depending upon the facilities available.</p>
29.	Susan Hoffman Management Analyst Superior Court of San Luis Obispo County 1035 Palm St., Room 385 San Luis Obispo, CA 93408	A		Agree.	No response required.
30.	Vicky L. Barker	A		The California Women's Law Center (CWLC)	No response required.

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	Legal Director California Women's Law Center Los Angeles			<p>strongly supports task force recommendation I(e). The majority of women who contact us with legal issues have family law matters. Most women lack sufficient means to retain counsel, while at the same time earn too much to qualify for free legal representation. Most of these women find themselves interacting with the legal system as self-represented litigants.</p> <p>The difficulty in obtaining enforceable court orders is a common problem for these litigants. They are often successful in obtaining a hearing and a bench ruling only to discover when a custody issue arises months or years later, that the minute order or bench ruling that they have obtained is not a valid, enforceable order.</p> <p>By providing self-represented litigants with on-going assistance throughout the entire court process, including obtaining and enforcing valid court orders, self-help centers will fill a tremendous gap in services to these litigants.</p>	
31.	Caron Caines Neighborhood Legal Services 13327 Van Nuys Blvd. Pacoima, CA 91340 818-834-7512 ccaines@nls-la.org	A	Y	<p>On behalf of Neighborhood Legal Services of Los Angeles County (NLS) I would like to thank you for the opportunity to comment on the Statewide Action Plan for Serving Self-Represented Litigants. The proposed Plan is excellent. The Task Force on Self-Represented Litigants devised a thorough and thoughtful strategy. The Plan, to a great extent, will meet the needs of millions of Californians who currently have no realistic options for legal assistance.</p> <p>NLS is uniquely qualified to comment on the Plan because of its extensive experience in providing assistance to self-represented litigants. NLS has operated court based pro per clinics for over a decade. Starting in the early '90s, NLS established Domestic Violence Clinics at Los Angeles</p>	No response required.

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				<p>Courthouse in the San Fernando Valley. In 2000, NLS opened the first court-based Self-Help Legal Access Center in Los Angeles County. NLS now operates Self-Help Centers at Courthouses in Van Nuys, Pomona, Lancaster and Inglewood. Over 75,000 litigants have been assisted at NLS' Self-Help Centers. NLS operates these Centers in partnership with the Los Angeles Superior Court, the Legal Aid Foundation of Los Angeles, local bar associations, law schools, colleges and other educational institutions.</p> <p>As advocates who are actively working to increase access to justice for our low-income client community through the development of self-help models, we strongly support the Task Force's recommendation to develop Self-Help Centers throughout California. NLS' Self-Help Centers have been overwhelmingly successful. Over 30,000 individuals are helped each year at the Centers. For the most part, the people assisted at the Center are poor, under-educated and overwhelmingly women. Statistics kept regarding Center visitors reveal that 90 percent of the litigants are income eligible for NLS' free legal assistance. 70 percent of the litigants are very poor, falling below the federal poverty guidelines. Moreover, 37 percent of the litigants did not graduate high school and an additional 48 percent have acquired only a high school degree.</p> <p>The people who are helped at the Self-Help Centers are bewildered by the court rules, procedures, and forms, and are overwhelmed by the sheer number of forms necessary to process their claim. Without a Self-Help Center, most of these people would not have any effective access to the justice system. On Center evaluations many litigants express a common</p>	

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				<p>sentiment: "I had no place else to turn."</p> <p>The remaining recommendations of the Task Force are equally important to establishing an effective strategy for providing access to the courts for self-represented litigants. When NLS established its first court based clinic over ten years ago, there were no support services available to us. Materials and standards had to be developed and court personnel had to be educated about our project. The support, education, facilities and funding strategies recommended by the Task Force are critical for a healthy pro per assistance plan.</p> <p>NLS is committed to helping the Task Force realize its Plan in any way it can. Thank you once again for the opportunity to offer these comments. We look forward to working closely with the Judicial Council on other issues affecting those living in poverty.</p>	
32.	Ken Babcock Executive Director & General Counsel Public Law Center 601 Civic Center Dr. West Santa Ana, CA 92701 kbabcock@publiclawcenter.org	A	Y	<p>My first general comment is to congratulate the Task Force for such a comprehensive analysis of this issue.</p> <p>The cataloguing of those things that have been done and the listing and analysis of those things that should be done is truly impressive.</p> <p>While many of the Task Force's members are familiar with our work at the Public Law Center, I note for your information that we are a nonprofit legal services provider sponsored by the Orange County Bar Association. The bulk of our services are provided by pro bono attorneys and law students, although we also provide direct services through our staff attorneys and paralegals. Most of the direct services provided by our staff are to unrepresented litigants.</p>	No response required.

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				<p>While I could go through the draft Action Plan recommendation by recommendation and note "I agree with this recommendation" over and over again, instead I focus my specific comments on a few specific items. They are:</p> <p>1. Recommendation I C: This is one area where we want to emphasize our agreement with the draft Action Plan. The Plan accurately recognizes that there are some individuals for whom full or partial representation by counsel is critical. It has been our experience that while court based self help resources provide many unrepresented litigants a very valuable service (be they self help centers, facilitators or computer kiosks), those resources do not presently perform the type of "triage" function described as a goal in the recommendation.</p> <p>A well planned and implemented triage system could produce a seamless referral system that would be easy to use for the litigant and efficient and economical for the participating partners in that system. As soon as it became clear that an individual needed representation, the system could route that individual to those resources--be they legal services, pro bono, lawyer referral services or panels of lawyers willing to perform unbundled services. That assessment should take place not only when the individual first encounters the self help resource, but should also occur midway and towards the end of the interaction between unrepresented litigant and the self help resource since it may not be readily apparent at first glance that representation by counsel is required. From our perspective, what happens now is a more ad hoc process by which sometimes that assessment occurs and sometimes it doesn't and by which some litigants are lucky enough</p>	No response required.

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				<p>to be sent in the right direction once their need for representation is known and others are not. We would encourage the report to suggest that local courts play a leadership role in encouraging discussion and development of such a seamless referral system in their communities.</p> <p>2. Recommendation 1 D and III B: These recommendations suggest that the Judicial Council continue to support ongoing strategic planning and that local courts continue with their planning efforts. With the courts facing significant budget limitations, planning could be viewed by some as a non essential function. Moreover, there are some who may be more inclined to view strategic planning as "an event" rather than as a way of thinking. Yet because of planning efforts over the past few years, significant gains in increasing access to justice -- many of them described throughout the Action Plan -- have been made. We suspect that in some counties, the planning efforts that resulted in community focused strategic plans or in the self help action plans described in Appendix 3 have ceased to function, leaving the plans to collect dust on shelves and the various elements of the justice community (i.e., the court, the organized bar, legal services providers, self help providers, etc.) without a coordinated, well thought out way of delivering services to unrepresented litigants. To ensure that gains continue to be made in this area, planning efforts should be made a high priority. Indeed, Strategy III B in the Action Plan accompanying the Recommendations suggests that working groups should be active and monthly meetings of stakeholders held. We suggest moving this action item up to the body of the recommendations to reflect</p>	<p>Agree with the importance of encouraging on-going meetings and planning.</p> <p>The Task Force is concerned about making a specific recommendation requiring groups to reconvene. Statewide</p>

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				the importance of ongoing planning activities. Also, the task force may want to consider a recommendation that those planning teams that have ceased to meet reconvene to review progress on plan implementation.	networking opportunities may provide a mechanism to encourage on-going meetings on a local level.
33.	Jona Goldschmidt Associate Professor Dept. of Criminal Justice Loyola University Chicago 820 N. Michigan Ave. Chicago, IL 60611	AM	N	<p>1. Overall, the plan is commendable. Every state needs to follow California's lead in making uniform the pro se (per) assistance programs, rather than allowing each local court to establish or not establish such programs. Justice is not local, but should be uniform across any jurisdiction.</p> <p>2. I have an interest in seeing that the in-courtroom assistance is also uniform. Unfortunately, this is an element not addressed in the report. While judicial education (and clerk education) is covered in Recomm. IV, the report does not address the crux of the matter, which is that judicial ethics reform is necessary in order to permit judges to assist pro pers in the presentation of their cases where they are unable to do so. In other words, where litigants do not understand the procedure for calling and interrogating witnesses, or offering their documents and tangible items into evidence, the court should assist them per the court's obligation to provide a meaningful hearing under the due process clause.</p> <p>To say that educational programs should be developed "to assist judicial officers and other court staff in dealing with" pro pers (Recomm. IV, p. 17) only begs the question. Concrete reforms in the language of judicial ethics rules are necessary to give the green light to judges who either do not render such assistance now, or who do so gingerly (and grudgingly) in the hope that the pro per's opposing counsel does not object on impartiality grounds, or who do so willingly but fear a charge of</p>	<p>1. No response required.</p> <p>2. The Task Force thinks that this is an important issue that requires significant discussion, but is not convinced that changes to the ethical rules are required to assist self-represented litigants. It is recommending that additional guidance be provided in cases in which one side is represented and the other is not.</p>

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				<p>lack of impartiality. A protocol is necessary, in addition to reform of impartiality rules, in order to institutionalize reasonable judicial assistance to pro pers in accordance with the duty to provide a meaningful hearing. See my article, "The pro se litigant's struggle for access to justice: Meeting the challenge of bench and bar resistance," in 40 Fam. Ct. rev. 36-62 (2002).</p> <p>3. The educational programs envisaged should be separate for court staff and judges, as the functions and ethical duties of each differ. Protocols are needed for each group, as well as broad principles under which each should function. Most importantly, these programs should promote a paradigm shift in which court staff and judges no longer view self-represented litigants as a problem, but as a challenge for the court system to provide equal justice for all.</p> <p>4. The proposal to permit self-help center attorneys to be in the courtroom with pro pers (p. 17) is an interesting one, and, if funded adequately, could potentially be of great assistance to these litigants, unless the bar objects. Such objections are red herrings, however, because the typical pro per case is not one any attorney usually wants anyway.</p>	<p>3. Agree, believe that this is considered in the report.</p> <p>4. No response required.</p>
34.	Bryan Borys Director Organizational Development and Education Superior Court of Los Angeles County	AM		<p>I believe the Court should strongly support the action plan. With regard to specific recommendations, please see below:</p> <p>I. We should amplify Recommendation I and its call to the Judicial Council to consider self-help programs core court functions deserving of budget support. At the same time, however, the Council should encourage trial courts to develop partnerships with service delivery agencies in the pursuit of non-court based programs and other</p>	<p>Agree. Believe that this is covered in the discussion of the importance of partnerships and supporting efforts to obtain additional funding for legal services programs.</p>

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				<p>solutions that do not require trial court funding.</p> <p>II. We should also support the proposed model of AOC involvement in the form of “technical assistance” to the trial courts, with the AOC’s role being to support the trial courts in their invention of local solutions to meet local needs.</p> <p>III. We believe the report makes unwarranted conclusions about the efficacy of research attorneys in managing the demands made by self-represented litigants, but support the argument that trial courts should be encouraged to continue local planning and coordination efforts.</p> <p>IV. We would welcome CJER attention to this important issue and believe that the most fruitful path would be to develop common curriculum materials that would be simple enough to use by operations managers in the local trial courts, reducing the costs and logistics of statewide training sessions.</p> <p>V. Agree.</p> <p>VI. No comment.</p> <p>VII. Agree, with the provision that any kind of “uniform standards” would be solely outcome-based and that the Council would never attempt to mandate one or more models of service provision.</p> <p>VIII. Agree, with the added provision that the statewide action plan also include significant coordination with non-court-based service providers.</p> <p>In general, I believe the Council should be encouraging the development of a web of private/public partnerships, rather than the approach I see in the Action Plan, which focuses solely on court-based programs. Two factors suggest that a partnership approach is warranted: (1) resource constraints; (2) the potential for conflict with service providers whose work assists the courts.</p>	<p>No response required.</p> <p>The specific suggestion regarding research attorneys will be deleted, but the concept of reallocating court resources to support calendars that involve large numbers of self-represented litigants is an important one. Agree that this would be very helpful. CJER has developed a number of methods for delivering training locally.</p> <p>No response required.</p> <p>No response required.</p> <p>It is unclear how the Council could determine statewide outcome measures, but this concern will certainly be taken into consideration. Consultation and coordination with a variety of service partners will be included.</p> <p>Partnerships are an extremely valuable way of providing services, however the Task Force thinks that it is important that the court be responsible for coordination of court-based self-help services and that integration of these services throughout the court is critical to provide effective services.</p>

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35.	Linda L. Wright Office of the Family Law Facilitator Superior Court of Los Angeles County 12720 S. Norwalk Blvd., Room 202 Norwalk , CA 90650	A		<p>Section 1C. It may not be feasible to triage all individuals seeking assistance at a courthouse. The size of a courthouse and the physical location of the Self-Help Center may not be conducive to this concept. Use of information booths in various locations could be utilized.</p> <p>Section I.D. Coordination of court-based programs, non-profit organizations and other services should be done by a separate court-based organization, such as a Self-Help Management Project. This project could coordinate the services within the Self-Help Center with other non-profit organizations, lawyer referral services, volunteer programs and other similar organizations available for self-represented litigants. This overseeing project would help in eliminating duplicate services, locating partnerships with other organizations, and coordinating services not otherwise available at the Self-Help Center. This project could help in fashioning the best practices throughout the county, helping with uniformity in access to the court by litigants.</p> <p>The Self-Help Center should focus on providing the day-to-day services to the self-represented litigant. This alone is more than a full time assignment. Coordination of other programs, with different funding and service goals would (and is in Los Angeles) a full-time job. Coordination by another funded program also eliminates the perception that all programs must conform to the Center's requirements and may not encourage a dialogue of what is the best practice for self-represented litigants. The current Self-Help Management Project has been instrumental in providing assistance to the Family Law Information Center.</p>	<p>Agree that triage may be structured in different locations under the direction of the Self-Help Center.</p> <p>This solution may be appropriate in a large county such as Los Angeles. One of the model self-help pilot programs is exploring this model and will have important lessons to share with larger courts about ways to encourage coordination and collaboration.</p>

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				<p>Section I.E. We concur that there is a need for appellate services and that present funding does not permit services of this type. With the use of unbundled services, the Self-Help Center could tap into the appellate attorney community and/ or partner with other non-profits offering this service and have them either available at the Center or on a referral list. There is concern that triage of appellate issues may lead a self-represented litigant to believe that they are receiving legal advice and that there is an attorney-client relationship. While the Self-Help Center could provide procedural information (number of days to appeal for example) substantive discussions (if you have a case and what type of record you will need to preserve your appeal), would require a lengthier triage and detailed attention to the proceedings. This could mistakenly lead the self-represented litigant to expect legal advice.</p> <p>Section II.G. In addition to providing technical training in the development and implementation of self-help technology, additional funding and/or technical support for maintenance and upkeep of local web site would e necessary.</p> <p>Section IV.B. Rather than training staff on community services available to self-represent litigants, court clerks should concentrate on focusing their referrals to the Self-Help Center. Community services are ever changing and it would be better to have one site with the current information rather than require each family law clerk to familiarize themselves with all services. For example, the Family Law Information Center located at the Stanly Mosk Courthouse has an Advisor from InfoLine of Los Angeles available daily either in person or by telephone. This Advisor has an extensive computer</p>	<p>Procedural information regarding appellate remedies would be very helpful. A number of appellate courts have developed informational manuals for self-represented litigants that help address basic questions.</p> <p>Ideally courts could focus their websites on local issues and link to statewide websites for common issues so that their updating responsibilities would be significantly lessened.</p> <p>The Task Force recognizes that the press of business is huge in many courts, however court clerks can often provide extremely helpful information about resources in their community. While larger jurisdictions will have many resources, smaller courts will have a much more limited number that they will need to be aware of.</p>

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				program that lists over 4,500 social services available to litigants with services in such areas as housing, parenting classing, transportation, education/training, benefits and more. A clerk will be limited in the type of triage for the litigant and/or family and may not be aware of the other services available outside of their area of law. This may not be an efficient use of the clerk's time. A referral sheet from the clerk to the Self-Help Center may better assist in the triage once the litigants have reached the Self-Help Center.	
36.	Gretchen Serrata Family Law Facilitator Superior Court of Nevada and Sierra Counties 201 Church St., Ste. 10 Nevada City, CA 95959	A		<p>We are a 2 county, 4 office, rural FLF and Family Law Self-Help Center. My staff and I reviewed the proposed plan and find it outstanding. Our only suggestion for change would be on page 11 – re: triage/assessment. In our 6 years of experience we find it <u>essential</u> to include, as part of the triage/assessment, a check of the parties names in the court case database, for all case numbers that may have information re: the family in question. For example, it is not uncommon to have a dissolution/parentage case and a child support case and a domestic violence case or 2 – all the same folks and kids yet the pro per DOES NOT realize there are 3-4 cases. Once all cases related to the family are determined, the staff member performing the triage/assessment needs to pull all files and review them to properly determine the needs of the person seeking assistance. We find this step saves time in the long run for all concerned. When this step is missed, people are sometimes sent in the wrong direction and/or the court is making duplicate orders.</p> <p>Finally, page 79 says our counties – Nevada and Sierra, have our plan in process. We do not. We completed our plan in April 2003.</p>	<p>Checking the parties' names is a very valuable service to the parties and the courts, however, not every center will have access to such a case management system. It also may not be as crucial in non-family law matters.</p> <p>Agree. Will revise report accordingly. This report was written in March, 2003.</p>
37.	Regina Deihl	A	N	Increasing assistance to self-represented litigants will	No response required.

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Self-Represented Litigants Action Plan

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	Legal Advocates for Permanent Parenting San Francisco, CA 94127			<p>improve public faith and confidence in the judicial system, improve judicial decision making and efficiency, and provide access to justice for individuals unable to obtain private legal representation. Most importantly, in an era of fiscal restraint, providing self-help assistance rather than encourage currently unrepresented individuals to request appointment of counsel in juvenile cases, is an cost-effective mechanism to provide a modicum of assistance while avoiding the high cost of appointed counsel.</p> <p>Recommendation I. Given the proven benefits (both to the courts and to the litigants themselves) of self-help centers focusing on family law matters, the Judicial Council should explore piloting a similar approach to assist currently self-represented persons in other areas of the law, including juvenile court. Judicial efficiency and the economic realities facing the courts require cost-effective measures to assist children's caregivers to provide input to the courts, rather than providing them with appointed counsel.</p> <p>Children's caregivers are experiencing difficulty accessing the juvenile courts for the following reasons:</p> <ol style="list-style-type: none"> 1. Lack of awareness and assistance in filling out court forms, even in those jurisdictions where the court requires them to do so (e.g. in at least one jurisdiction, JV-290 must be submitted by each child's caregiver). 2. Some court clerks and other court personnel are unaware that children's caregivers have a statutory right to file documents and do not allow them to do so. 3. Some children's caregivers report being told by 	<p>Agree that services for children's caregivers and other self-represented litigants in juvenile court should be considered as part of self-help centers.</p>

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				<p>other system participants to change the substance of the information being submitted to the juvenile court.</p> <p>4. Confusion exists regarding notice and filing requirements in various jurisdictions for self-represented persons in juvenile courts.</p> <p>By providing basic procedural information and developing appropriate protocols to enhance the functioning of the courts, improved judicial decision making and the well-being of children will be enhanced.</p> <p>Recommendation II. The Administrative Office of the Courts should continue its efforts to facilitate the exchange of information regarding self-help efforts that are obtaining positive results, including gatherings (in person or by video conferencing) to share the results of evaluations and strategies to improve access to the courts.</p> <p>In addition, the Judicial Council should continue to simplify its forms and instructions for use by self-represented persons, including those utilized in juvenile courts. Amendments to Rules of Court should also be evaluated for clarity in providing self-represented persons with appropriate procedural mechanisms to file and serve documents.</p> <p>Recommendation III. The Administrative Office of the Courts should continue its efforts to encourage courts to engage in dialog and collaboration with other stakeholders, including groups representing court users.</p> <p>Recommendation IV. Judicial officers should be trained to expect self-</p>	<p>Agree, this is included in the recommendation for resource library.</p> <p>Agree, believe that this is covered in the recommendation that the Judicial Council simplify its forms and procedures.</p> <p>Agree, believe that this is covered in discussions regarding partnerships.</p> <p>Agree, believe that this is covered in the</p>

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				<p>represented persons in their courtrooms and on effective strategies for allowing input without compromising the efficiency of the court process. Court personnel, such as bailiffs, court clerks, and others should also be trained in how to effectively interact with self-represented persons.</p> <p>Recommendation V. Development of educational materials describing court processes should be expanded. Uniformity in court procedures should be encouraged wherever possible to avoid confusion among self-represented persons in different jurisdictions. Emphasis should be placed on assisting individuals in developing reasonable expectations regarding the court process and procedural information to address common difficulties (for example, procedures for enforcing court orders).</p> <p>Efforts should be made to provide information to the public about the goals and functioning of the juvenile court system. Often misunderstood, many individuals are unaware of the important role the juvenile court plays in the lives of dependent/delinquent children. Positive images of juvenile judicial officers and other system participants should be encouraged.</p> <p>Recommendation VI. Many juvenile courtrooms are in need of substantial repair or remodeling. Parties (including a child's parents) sometimes have no place to confer with counsel or even to sit in the courtroom. In addition, many courtrooms have walls separating counsel table from other areas of the courtroom. This results in self-represented persons (and sometimes, the parties as well) being unable to hear what is</p>	<p>discussions.</p> <p>Agree, uniformity of procedure is extremely helpful to providing consistent information to all litigants.</p> <p>There are many critical issues to improve facilities for all litigants in the court.</p>

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				<p>occurring in the courtroom. Efforts should be made to provide sufficient space for individuals appearing in court to hear the proceedings. Physical obstructions that make the exchange of information between the court and self-represented persons difficult should be removed.</p> <p>Efforts should also be made to provide self-represented persons with information on how to "check in" at court and appropriate courtroom decorum.</p> <p>Recommendation VII. Pilot projects can often provide models appropriate for replication in other jurisdictions. Pilots should include rigorous evaluation components focused on quality, not just quantity of the services provided. Efforts to identify improvements in the quality of judicial decision making should be included in evaluative efforts.</p> <p>Recommendation VIII. Implementation efforts should include input from individuals and/or groups representing court users. While the perceptions of system professionals must have consideration, the goal of improving access to the courts by self-represented persons must include input from those individuals as well.</p>	<p>Agree. These would be included in instructional materials, either in writing, audio or video formats.</p> <p>Agree. The Judicial Council has made a strong commitment to evaluating all pilot programs.</p> <p>Agree that the Implementation Task Force should include input from a variety of community partners and those representing court users.</p>

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38.	Debra F. Hodges Director of Planning, Projects, and Research Superior Court of Santa Clara County 191 N. First St. San Jose, CA 95113	AM		<p>Rec. #5: after the phrase "foster realistic expectations," insert "based on accurate legal interpretations."</p> <p>Rec. #6: D: add the wording, "AOC/JC should provide funding for certified licensed caregivers for oversight of children."</p> <p>Rec. #7: E: delete phrase "such as fees for selected services by self-help centers." (This action would defeat the purpose of providing self-help centers.)</p> <p>Rec. #1, 2, 3, 4, and 8: Agree with proposed changes.</p>	<p>This appears to be covered in the discussion already.</p> <p>The Task Force does not believe that this is within its purview.</p> <p>The issue of fees is one that must be carefully examined if it is to be implemented.</p> <p>No response required.</p>
39.	Annette Heath Law Librarian Kern County Law Library 1415 Truxtun Ave., Rm. 301 Bakersfield, CA 93301	AM		<p>I would like to encourage the commission to continue to explore the possibility of perhaps partnering with county law libraries in some counties to bring about a self-help center. There are some small and rural counties who do not have the funds to provide a county law library, but perhaps could work with the courts in combining resources in order to provide a self-help center in those counties. I have a strong feeling that in the counties where there is revenue shortfall for county law libraries there is also a revenue shortfall for the courts. As you are probably aware, county law libraries receive 90%, if not more, of their funding from civil filing fees.</p> <p>There are probably some of county law libraries who may not be experiencing the same drastic funding shortfall as the smaller counties, but who would welcome the chance to partner with the courts in some fashion to bring about better assistance to self-represented litigants. Many law libraries already perform many of the services you are recommending on page 12 section E. There are other county law</p>	<p>Agree. This is an effective strategy. Will revise language to make it clear that coordination with law libraries is very valuable.</p>

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				<p>libraries who aspire to provide these services, but for various financial reasons are unable to. Your suggestion of a resource library in subsection A on page 13 is already available in many counties through the county law library.</p> <p>The Council of California County Law Librarians (CCCLL) is an organization that includes law librarians from throughout the state of California. It is open to all 58 county law libraries. We currently have a member of our organization, Ms. Pat Pfremmer, on the commission. Although I cannot speak on behalf of CCCLL, I would strongly encourage the commission to fully explore what county law libraries currently provide and how these services can be utilized to help meet the needs of the self-represented litigant.</p>	
40.	Commissioner Rebecca Wightman Superior Court of San Francisco County 400 McAllister San Francisco, CA 94102	A		<p>Overall, this is an EXCELLENT Statewide Action Plan, and I am thrilled to see the AOC/Judicial Council seriously working on this issue re: self-represented litigants.</p> <p>OTHER COMMENTS:</p> <p>In reviewing the Action Plan itself (pp. 28-38), I have 3 minor comments (two of which are grammatical):</p> <p>1. RECOMMENDATION III. ALLOCATION OF EXISTING RESOURCES (p. 32) -- Comment: In reading III.A. as a whole, it seems to leave out "other court staff" in both 2. and 4. While research attorney support and courtroom staff are very important, the "behind the scenes" court staff are also critical for efficient flow of calendars, and should be mentioned in any efforts of a court to utilize existing resources. Suggestion: add "or other staff"</p>	<p>1. Agree, will make these additions.</p>

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				<p>(or something similar) to both III.A. 2. and 4.</p> <p>2. RECOMMENDATION I.E.2. (p.29) Comment: the 3rd sentence from bottom of list starting with "Providing information to assist..." sounds grammatically incorrect. Also, was it meant to be limited to "court-ordered services"? Suggestion: Re-phrase so it reads something like: "Providing information to assist litigants in complying with court orders or court-ordered services."</p> <p>3. RECOMMENDATION II.A.1. (p.30) Comment: the 2nd item in #1 reads funny because it contains the words "include" and "such as" next to each other. Suggestion: delete "include".</p>	<p>2. Agree. Will make this change.</p> <p>3. Agree. Will make this change.</p>
41.	Suzanne Clark Morlock Director Self-Help Access Program Superior Courts of Butte, Tehama, and Glenn Counties	A	N	<p>Recommendation 1: Self Help Centers</p> <p>See Pages 10 - 12 the task force is correct in its observation that the self-represented litigants prefer personal contact with staff. Investment in Staff attorneys and support staff (clerical and paralegal) can save court time and court resources. Bilingual staff is essential to a self help program. Large numbers on non-English speaking potential customers are effectively denied services if there is no one available to translate information for them.</p> <p>P 14- I have observed that procedures for issuing fee waivers vary considerably from county to county.</p> <p>P 16- As the self help program assists litigants in areas other than Family Law, we find the Judges who deal with self represented litigants in areas such as Unlawful Detainer and Civil Harassment are having some problems when the litigants are unprepared to try their own cases. The self help center does not</p>	<p>Agree that bilingual staff is preferable whenever possible.</p> <p>Will include suggestion that procedures be uniform wherever possible.</p> <p>No response required.</p>

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				<p>teach litigants how to try their cases.</p> <p>P 17- Because of budget constraints, courts are relying heavily on grants to provide services in courtrooms, if any.</p> <p>P 17-18-19 Most SRL's do not want to take the time to read any written information provided to them. Many want (a) someone to do it for them or (b) someone to tell them exactly what to do. Clerks do not have time to answer questions or provide detailed assistance at the counter. The amount of information clerks are willing to give and what the clerks perceive to be legal information as opposed to legal advice varies widely among Butte, Glenn and Tehama Counties. Clerk's training cannot be over emphasized- and the self help center staff should receive the same training!!!!</p> <p>Non-english speaking litigants need to be informed before they get into the courtroom that they must have a translator with them in all non- DV matters. There should be an effective means of providing this information to all persons who are going to appear in court, including those who do not visit a self help center.</p> <p>P 20 Glenn court has an outstanding website- one we should all be proud of. We are in the process of creating an action plan to inform the public about services available to SRL's</p> <p>P 22 The courts have still not addressed the needs of litigants who cannot find suitable child care. It would be ideal if each court had a children's center, however, the reality is that the courts facilities are</p>	<p>No response required.</p> <p>No response required.</p> <p>This is an important suggestion for instructional information.</p> <p>No response required.</p> <p>No response required.</p>

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				<p>already crowded and there is not sufficient staffing for such a facility. Likewise, a \$2-\$5 increase in filing fees at this time is probably not feasible.</p> <p>Alternatives, such as requesting funding and trained volunteers who could supervise children (for instance, set up a child center in a room adjacent to the juvenile calendar courtroom. Perhaps the local bar association or civic groups would be interested in providing funds to set up a center. Volunteers may be recruited and trained, or a part time position be established to provide supervision.</p> <p>The self help center advises its customers not to bring children to court.</p> <p>P 24 The establishment of minimum standards for a self help center should be a priority! The self help centers are asked to respond to legal issues which are beyond the knowledge and experience of staff (and interns) almost daily. Many with complex legal issues are referred to private attorneys even though the customer cannot afford even a consultation fee. There is a constant pressure on the staff to provide information which is beyond their knowledge base, and therefore constant attorney supervision or at least availability is required. Access to legal information from the law library is normally the source of information recommended, but not available in Glenn County, for example. Staffing levels, experience and facilities requirements (ADA compliant) and hours of operation which give access to those who cannot afford to take time from work should be given careful consideration.</p> <p>P 25 Fee based services may be necessary. If the decision to provide fee based services is made, then the court must provide staff to administer and collect</p>	<p>This is very valuable feedback.</p> <p>Agree that fees may pose significant administrative burdens that outweigh the revenue received. This concern will be</p>

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				<p>the fees for services. Fees for workshops could be imposed and the price of a forms packet included in the price. For example- a fee of \$50.00 for a dissolution workshop and packet could be charged, and for that price, a person could attend workshops for disso from initial filing to default judgment. A \$15.00 fee for an OSC workshop would provide the forms, the workshop assistance and the FOAH. Charging a nominal fee for forms would help defray costs.</p> <p>If the local board of supervisors could observe the operation of self help centers in full swing, support might be generated to continue the program, or at least part of it, with a combination of county and court support.</p> <p>P 26 participation of judicial officers and attorneys- we need to elevate awareness of the program among judicial officers and attorneys. A program for recognition of attorney involvement and contributions to self represented litigant assistance could be fostered and developed among the counties.</p>	<p>reflected in the report.</p> <p>No response required.</p> <p>This could be an important part of a volunteer program.</p>
42.	Justice James R. Lambden, Chair State Courts Committee California Commission on Access to Justice	AM	Y	<p>I write on behalf of the California Commission on Access to Justice to congratulate you and your Task Force for this very valuable draft action plan. We also extend our appreciation to the Chief Justice and the Judicial Council for the leadership they have shown by their continued commitment to improving access to our judicial system. When implemented in its final form, we expect this plan to improve public trust and confidence in the courts, a goal uniformly supported by members of the bench and bar.</p> <p>We especially appreciate your recommendation that there should be more funding for legal services.</p>	<p>No response required.</p> <p>No response required.</p>

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				<p>While it is self evident that representation by an attorney is preferable in most cases, we understand there may never be enough money and volunteers to provide professional representation for every litigant. Given these realities, the proposed plan recognizes the proven value of self-help centers and offers a creative vision for improving services for self-represented litigants. We are pleased that the Plan highlights the need for adequate staffing of the self-help centers and recognizes the importance of lawyer supervision. As with all human endeavors, the ultimate success of the self-help centers will depend upon the people involved.</p> <p>This plan is an important step in the direction of reorganizing our judicial system to better serve a rapidly changing population. Clearly we are on the verge of a major shift in the traditional paradigm of a court system designed primarily to be used by lawyers representing a relatively narrow segment of society. Local courts recognized that this shift started long ago; they see first hand the impact of growing numbers of unrepresented litigants on the services that those courts provide. This plan recognizes that judges and court staff need help at the local level.</p> <p>With that goal in mind, the proposed plan includes specific suggestions for each of the component parts of our extremely diverse judicial system, and it promises to clarify how everyone fits into the larger picture. In California we know that one size does not fit all.</p> <p>For this reason, we suggest that the final recommendations of the Task Force stress the need for local autonomy. The report should highlight the</p>	<p>The Task Force is concerned that stressing the need for local autonomy is inconsistent with the goal of having a baseline of services available in all</p>

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				<p>local action plans that are at its heart, and it should recognize that, to be successful, the effort to serve the under-represented must be a process that begins at the grass roots level. Indeed, the Task Force itself was a response to the needs expressed by the local courts.</p> <p>California leads the country in its thoughtful, strategic approach to improving access for those who cannot afford counsel and who must navigate the court system on their own. This draft plan represents an enormous amount of work, all of which has helped lay a solid foundation for the implementation of the action plan.</p> <p>Recommendation I. Court-based self-help centers should be developed throughout the state.</p> <ul style="list-style-type: none"> ▪ The Access Commission enthusiastically supports the central concept of a network of self-help centers in the courts, and the precept that self-help centers should be considered a core court function; ▪ The Commission congratulates the Task Force for emphasizing the need for attorney supervision, and for stating that the centers should have in-person staffing. ▪ The importance of these self-help centers to children and families needs to be emphasized; it is important to humanize the recipients of these services and to explain their impact on the public as well as on the courts. 	<p>counties.</p> <p>No response required.</p> <p>No response required.</p> <p>Agree, will add descriptions regarding the recipients of the services provided by the self-help centers.</p>

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				<ul style="list-style-type: none"> ▪ It is important to have an efficacious triage system for referring those who need legal help, as reflected. However, the reality is there are too few resources, and where there are no resources to send people to, we must be honest with people and not send them where they cannot get help. It would be helpful to add a cross reference here to the section about the need for increased funding for legal services. ▪ Local courts' needs and populations vary dramatically. Therefore, local triage systems need to be adapted to local needs and to the level of available resources. ▪ The Commission would like to see courts track information about referrals. How many individuals were determined to need a referral, and how many of those were unable to be referred to a service that could help them. We understand that this kind of information might be difficult to capture, but the information could be invaluable in documenting the critical need for more legal services. ▪ The Commission appreciates that reliance on limited scope legal assistance can be an important part of a comprehensive system for litigants who are primarily pro per. The availability of Judicial Council rules and forms for limited scope representation in family law matters is helping to expand the availability of some level of legal assistance for otherwise self-represented litigants. However, it is important to emphasize that it 	<p>Agree, will reflect that local courts should be aware of what services are available in their community and develop appropriate referrals accordingly.</p> <p>Triage systems should certainly be adapted to reflect actual services in the community.</p> <p>The Task Force is concerned about adding administrative burdens on the programs, but suggests that research staff might design a study to capture this data for a limited, but statistically significant period of time. Data regarding referrals made is already captured by many programs.</p> <p>Will add a clause noting that full service is optimal.</p>

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				<p>would be preferable in most cases, all things being equal, for a party to have full representation. While we realize that this ideal cannot be achieved because of woefully inadequate funding for legal services, we also can recognize that limited scope assistance is becoming a key service, particularly of the family law system.</p> <ul style="list-style-type: none"> ▪ The Commission supports the suggestion that non-lawyer volunteers be used. The Commission has a broad membership and a range of appointing entities; this is because we believe that access is a societal issue, and not just the responsibility of the bench and bar. ▪ E – The Commission suggests that this section should be rewritten to put the tasks described into two tiers: (1) those that every center should have and (2) others that are less important. We would propose that the first tier include items 1, 3, 4, 5, 7, 8 and the second tier, items 2, 6, 9. (Note that 6 and 9 seemed that they could be close to the practice of law, so it would be helpful to include warning on that issue.) ▪ E - The Commission suggests that this section be written to say that facilitators could offer assistance in status conferences, or to help conduct mediations, etc. Some think that the status conference is a judicial function and judges might react negatively to the idea that this calendar-management tool would be taken away. Also, some of the items (such as mediation) are more time- 	<p>No response required.</p> <p>The section will be revised to clarify the level of service provided. Setting priorities on level of service is something that may be more appropriately considered by local courts.</p> <p>This has been redrafted to clarify the type of assistance provided.</p>

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				<p>intensive and, for that reason, may belong in the second category so as not to deplete all available resources.</p> <ul style="list-style-type: none"> ▪ E - The Commission was concerned that providing self-help assistance with enforcement of judgments might be too close to the practice of law. However, the Commission agrees it is an important service to provide. One method of assistance (besides providing plain-English or foreign language explanations of how the collection process works) is to have facilitators available at a debtor's exam to provide information on various options being discussed. ▪ The Commission believes that Recommendation I would result in significantly improving trust and confidence in the court system. This fact should be emphasized in the various segments of the Action Plan. <p>Recommendation II. A system of support should be developed at the state level to encourage the development and expansion of local self-help centers.</p> <ul style="list-style-type: none"> ▪ The Access Commission acknowledges, with appreciation, the significant progress already made by the Judicial Council and the AOC to coordinate and expand self help centers. ▪ The Access Commission offers to work with the Judicial Council, particularly on collecting best practice information, etc., relating to self-help centers. 	<p>This is a common service offered by many self-help centers including assistance in preparing wage assignments and other judgment collection papers, making referrals to law enforcement and court ordered services, and otherwise assisting with procedural issues related to enforcement.</p> <p>Agree, will add that language.</p> <p>No response required.</p> <p>This support is much appreciated.</p>

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				<ul style="list-style-type: none"> ▪ (H) The Commission is pleased that this strategy emphasizes the need for legal services funding. Our recent report, <i>Path to Equal Justice</i>, reported that there is only one attorney for every 10,000 poor people, and only 28% of the legal needs of the poor are being met. ▪ (H) This section should also specifically mention the importance of working with the Legal Services Trust Fund Commission to “enhance IOLTA funds”, as one specific way of expanding legal services funding. ▪ The Access Commission would like to see the Action Plan include a strong recommendation that Presiding Judges have an obligation to promote pro bono (II-H, and I-B). This responsibility could be a new Standard of Judicial Administration, or it could be included in an existing Standard, if there is an appropriate one to encompass such an obligation. [See, for example, Rule 6.603 of the Judicial Administration Rules in the California Rules of Court.] <p>Recommendation III. The needs of self-represented litigants should be considered in the allocation of existing judicial and staff resources.</p> <ul style="list-style-type: none"> ▪ Given that budget constraints may make it extremely difficult to get new funding for self-help centers, and given that courts with heavy pro per calendars need adequate resources to address the need, the 	<p>No response required.</p> <p>Reference is already made to working with the Legal Services Trust Fund Commission. The Task Force is concerned about listing the variety of funding sources that should be increased.</p> <p>The reference to research attorneys will be deleted.</p>

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				<p>Commission supports the concept of reallocating judicial and staff resources. However, the Commission suggests that Strategy A should be modified to say that judicial officers with heavy pro per calendars should be given priority for allocation of resources - “consistent with the particular needs of each county”. In addition, the Commission suggests taking out the reference to research attorneys, which is not necessarily the highest priority need.</p> <ul style="list-style-type: none"> ▪ The Commission strongly supports the need to work closely with local communities, taking advantage of the network established through community-focused court planning. ▪ With regard to Strategy A, the Commission suggests that courts be warned about the possible practice of law; the section should mention that anyone providing assistance should be careful not to overstep that barrier, and materials need to be provided to be sure they don't. The paragraph calls for attorneys to be available to “assist with cases”, but this may result in the appearance that the attorney is taking on representation of the litigant. ▪ The final paragraph of Strategy A could be modified to state that these activities increase trust and confidence in the government, not just in “judicial institutions”. Because courts are often the only government that many individuals come in contact with, it reflects on all of government. 	<p>No response required.</p> <p>Agree, this language will be reworked to clarify what services may be offered.</p> <p>Agree. Will modify this language accordingly.</p>

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				<p>Recommendation IV. A judicial branch education program should be designed to address issues involved self-represented litigants.</p> <ul style="list-style-type: none"> ▪ The Access Commission has worked on developing training components for judges on access issues, and is willing to work on this issue in the future as well. In addition, we believe it is appropriate to add the issue of In Forma Pauperis (IFP) procedures to the list of recommended training items for judges. ▪ The issue of training on IFP procedures should also be made available to clerks throughout the court system. There is a perception in some parts of the state that these procedures are not being followed as a result of budget constraints, which has a negative impact on the trust and confidence that low income people have in the judicial system. <p>Recommendation V. Judges and court staff should engage in community outreach and education programs to foster realistic expectations about how the courts work.</p> <ul style="list-style-type: none"> ▪ The Access Commission offers to work with the AOC on public outreach, and supports the concept of judges and court staff actively participating in public outreach. Again, this is a “trust and confidence” issue, and judges would hear first-hand what the need is. 	<p>The Access Commission is an important partner in developing these materials. Training on In Forma Pauperis (fee waiver) procedures are currently being developed in response to concerns about the court’s budget.</p> <p>Agree that training in this area is crucial and that recommendation will be added.</p> <p>The support of partners such as the Access Commission will be invaluable in outreach efforts.</p>

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				<ul style="list-style-type: none"> ▪ The Commission suggests that the first strategy should say “judges should work with others in the community to conduct community-outreach.” They should work with bars, legal services, etc. The narrative could add a reference, such as, “consistent with suggestions and mandates in the standards of judicial administration.” ▪ Outreach to legislators is particularly important, given the need for funding of self-help centers. Since legislators do a large amount of constituent service, they would see the benefit of cost-effective self-help centers. ▪ The Commission believes that, because most courts already do work with law enforcement, this strategy should be reworded. It could refer to the need to “strengthen their existing ties with law enforcement”, and possibly suggest ongoing steering committees. The report could include specific examples of the role of law enforcement in domestic violence situations, and the importance of working collaboratively with them and others in the community. ▪ In the narrative, at p. 20, the report might say the courts should make “more” training available to law enforcement, because many of them already do provide training. ▪ Strategy C, in the narrative, at p. 20, the Commission suggests that it should say that courts “should” solicit input, rather than that they are “encouraged to”; also, the report 	<p>Agree. The language will be modified to reflect this suggestion.</p> <p>No response required.</p> <p>Agree. Will modify the language to reflect this suggestion.</p> <p>Agree. Will modify the language to reflect this suggestion.</p> <p>Agree. Will modify language to reflect this suggestion.</p>

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				<p>could suggest specific things like regular monthly meetings, steering committees involving district attorneys, public defenders, law enforcement, judges, and community members. These sessions should encourage two-way communication.</p> <p>Recommendation VI. Space in court facilities should be made available to promote optimal management of cases with self-represented litigants and for effective self-help services to the public.</p> <ul style="list-style-type: none"> ▪ The Commission suggests that there is a need for volunteer lawyers to have adequate space at the courthouse. Also, there needs to be adequate space for interpreters to work with litigants, when necessary. <p>Recommendation VII. Continue exploration and pursuit of stable funding strategies.</p> <ul style="list-style-type: none"> ▪ Because the Commission believes that self-help centers are a core court function, stable funding is required. In addition, adequate and stable funding for translators and interpreters in self-help centers is needed as well. ▪ The Commission supports the notion of some kind of minimum standards or qualifications for self-help centers around the state, indicating that they are intended to assist local courts in their formulation. However, we believe it is important to 	<p>Agree, will reflect that those are other important needs.</p> <p>This need may best be served by providing bilingual staff or making court interpreters available for self-help centers.</p> <p>The goal of minimum standards would be to allow for a rational formula to request funding from the state that would promote equalization of services. The Task Force</p>

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				<p>acknowledge the lack of resources faced by many courts and the dramatic differences among counties. Minimum standards will help assure quality control, but we cannot reasonably expect that the structure and programs of all local centers will be the same. Sufficient flexibility must be built into the template to allow each court to develop the best responses to local needs.</p> <ul style="list-style-type: none"> ▪ Regarding the suggestion of uniform statistical reporting, it is important to acknowledge the existence of multiple funding sources that some self-help centers have and the need to avoid forcing burdensome and possibly contradictory obligations on them that will cut into the amount of services they can provide, if too administratively burdensome. ▪ While the Commission understands that considering all possible revenue sources is important, particularly given the budget constraints we face, we respectfully disagree with the fee for service concept. The small amount of money that could be received from the small percentage of users who are not indigent would pose an undue administrative burden and may not result in net revenue. In addition, we fear that such fees would scare others away from using the service. If the court doesn't charge for materials or services offered elsewhere in the courthouse, the self-help center should not be singled out. While we understand the need to do everything we can to find funding, and we understand that funding is difficult, 	<p>recognizes that the budget situation precludes such a request for funding at this time, but believes that it is important for these steps to be undertaken now in preparation for a better economic climate. Flexibility to address local needs is an important part of any recommendation.</p> <p>This is a very valid concern and it may be important to convene funders to try to establish consistent reporting requirements to allow for ease in reporting and appropriate comparison of data.</p> <p>The concept of charging fees is one that would need to be seriously examined before implementation. The concerns raised by the Commission will be reflected in the report.</p>

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				<p>we do not believe fee for service is the answer.</p> <ul style="list-style-type: none"> One possible suggestion is to explore modest fees for use of hardware – copiers and computers, similar to what a local business might do. The important thing is not to charge for “services” at the self-help center when they wouldn’t be charged at the clerk’s counter. However, any imposition of, or increase in fees must be carefully considered to ensure that it will result in a <i>net</i> revenue increase (as opposed to being a nominal charge that cannot be collected cost-effectively). These decisions must be made at the local level. With regard to Strategy B-2. we believe it is a good idea to work with legislators and others in the collection of data, and that process can also help the public outreach function suggested in V-B. <p>Recommendation VIII. A smaller implementation task force should be established.</p> <ul style="list-style-type: none"> The Access Commission offers to work with the Judicial Council on implementation of these important recommendations. We agree that a smaller group would be the most feasible format for a follow-up task force. However, because of its smaller size, it will be necessary to set up a mechanism for reaching out to other institutions who 	<p>Agree.</p> <p>This support is appreciated.</p> <p>Agree. This mechanism will be critical to ensure that the partnerships advocated in the Action Plan are implemented at the state level.</p>

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				<p>need to be part of the solution.</p> <ul style="list-style-type: none"> The Commission believes that the composition of the Implementation Committee should be reconsidered. Could there be liaisons to existing standing committees, rather than having them constitute the committee? Individuals representing other committees would have too many demands from their other committees, and it might be hard to forge a good working group with that diverse a membership. More important, the range of expertise that you need on the implementation group itself might not be reflected in these representatives. We suggest that the committee needs additional participation from clerks who work directly with pro per litigants, court executive officers, at least one independent legal services person, law librarians and public librarians, etc. In addition, it will be good to have representatives involved with groups outside the Judicial Council, such as the Access Commission, the Legal Services Trust Fund Commission, and others. <p>Finally, if the range of those who need to be involved with implementation would make for an unwieldy committee, perhaps the Judicial Council should consider a separate body of advisors or resource people, who can provide feedback on how implementation can be pursued effectively. These resource people would not need to be part of any ongoing group that meets periodically, but they can be called on for their expertise at appropriate times.</p>	<p>Agree with this concern. Will modify recommendation accordingly.</p> <p>Input from knowledgeable partners will be critical to any implementation committee.</p>

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43.	Cara Vonk Counsel to the Small Claims and Limited Cases Subcommittee of the Judicial Council Civil and Small Claims Advisory Committee	A		<p>The task force recommends that certain justice system revenues be shifted to the judicial branch and cites small claims advisor fees as an example of a revenue source that could be used to meet the needs of self-represented litigants.¹ This recommendation should be considered in light of (a) the unique character of the small claims advisory program and (b) the trial court unification legislative study on the three track system that recommends changes to small claims advisory services and fees should the small claims jurisdictional limit be increased to \$7,500 or \$10,000.</p> <p>Currently, the Small Claims Act governs the small claims advisor program. The small claims advisor program is a county program and a portion of each small claims filing fee is deposited with the county to run the program.² Some advisors are located in the County Counsel's office, or the consumer fraud unit of the District Attorney's office, the county dispute resolution program, the local Legal Services Program, a local law school, a local bar association program, a person on contract, or located in other county agencies or programs. An advisor is not required to be an attorney. Some counties have supplemented their local advisory services with additional local funding. In other counties, agreement has been reached between the county and the court that gives the court control over the advisory service. Several counties have included small claims advisory services in the court's self-help center. To date, funding small claims advisory</p>	<p>This issue should certainly be considered along with a potential increase in funds available for small claims advisors if the jurisdictional limit is raised.</p> <p>Agree. Any change of funding would have to be seriously reviewed to prevent loss of any supplemental funds currently available for these programs.</p>

¹ See recommendation VII: Fiscal Impact, under paragraph G, on page 25 of the report.

² See Code of Civil Procedure 116.940 (advisory services) and 116.910 (fees).

³ See California Law Revision Commission Tentative Recommendation-December 2002 at pages 10—11, citing Turner & McGee, *Small Claims Reform: A Means of Expanding Access to the American Civil Justice System*, 5 U.D.C. L. Rev. 177, 183 (2000).

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			<p>services has not changed because of concerns that local funding could be diminished or lost altogether if a program is shifted to the judicial branch. Shifting revenues to the judicial branch would likely require a dramatic change in the small claims advisory program, as it currently exists.</p> <p>The Legislature directed the California Law Revision Commission and the Judicial Council to study and evaluate the three-track system as a result of trial court unification. The Administrative Office of the Courts commissioned a study to evaluate the effectiveness of small claims and economic litigation procedures in California, conducted by Policy Studies, Inc. (PSI) a Colorado consulting firm with extensive experience in evaluating the civil justice systems. PSI found that the quality of the small claims advisory service varied widely in the counties that it studied (San Diego, San Francisco, and Fresno). Similarly, a recent law review article lauds California's small claims advisory service as a model for other jurisdictions, but cautions that "this promising program, which has proved to be extremely helpful to people coming through the small claims process, has suffered from under-funding and understaffing in many locations."³</p> <p>The California Law Revision Commission has made tentative recommendations to improve small claims procedures, including the following:</p> <ol style="list-style-type: none"> (1) The jurisdictional limit for a small claims case should be raised from \$5,000 to \$7,500 or \$10,000. (2) Steps should be taken to strengthen the small claims advisory service. (3) The special jurisdictional limits for a 	<p>No response required.</p> <p>No response required. The Task Force did not make recommendations on the specifics of this proposal as other Judicial Council working groups were designated to study this issue in depth.</p>

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				<p>small claims case against a defendant guarantor should be eliminated.</p> <p>(4) The filing fee for small claims cases over \$5,000 should be raised and the increase distributed to small claims advisory programs and law libraries.</p> <p>(5) A new code section should be added listing the kinds of advice that small claims advisors should give.</p> <p>(6) The Department of Consumer Affairs should study and report on the impact of these reforms. [The Judicial Council Three Track Study Working Group recommends that the Judicial Council conduct the study.]</p> <p>Suggestions for improving the small claims advisory service were made by commentators in response to the California Law Revision's tentative recommendations. These included that advisors be attorneys and suggested increased funding for self-help centers that may be impacted with increased workloads resulting from an increased jurisdictional limit among other suggestions.</p> <p>Because our court system is evolving and significant changes are contemplated, this may also be the appropriate time to evaluate, standardize, and improve small claims advisory services. The small claims advisory service is, after all, the granddaddy of assistance programs for self-represented litigants.</p>	<p>The Task Force agrees that it may be an appropriate time to evaluate, standardize and improve small claims advisory services. It has suggested that those services be coordinated with other self-help activities and that funding be increased for these self-help activities. It has deferred specifics of changes to the other Judicial Council committees reviewing these proposals.</p>
44.	Albert Balingit California Department of Consumer Affairs	AM	N	<p>It is cost-efficient to coordinate Small Claims Advisors with self-help centers since small claims litigants are really engaged in self-help. I observed and was impressed with the self-help center in Nevada City where the Self-Help Director was also the Small Claims Advisor. Further efficiency was</p>	No response required.

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				<p>achieved by locating the Self-Help Center in the law library where the law librarian assisted self-help litigants in conducting research for their cases.</p> <p>As the Coordinator of the Dispute Resolution Office which oversees the counties and programs participating in the Dispute Resolution Programs Act, I wish to clarify the implication of Recommendation VI_G (page 25) and Table VII H.(page 37).</p> <p>The language of the above portions of the report may lead to an implication that funds collected pursuant to the Dispute Resolution Programs Act may be used by counties to fund Self-Help Centers. The DRPA requires that the Three Eight Dollars of the filing fees which are collected pursuant to Business and Professions Code 470.3 must be used exclusively to fund program engaged in dispute resolution.</p> <p>Business and Professions Code section 467.2 lists the following pertinent requirements prior to a program receiving funding from:</p> <p><i>A program shall not be eligible for funding under this chapter unless it meets all of the following requirements:</i></p> <p>(a) <i>Compliance with this chapter and the applicable rules and regulations of the advisory council.</i></p> <p>(b) <i>Provision of neutral persons adequately trained in conflict resolution techniques as required by the rules and regulations promulgated by the advisory council pursuant to Section 471.</i></p>	<p>Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies.</p>

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				<p>(c) <i>Provision of <u>dispute resolution</u>, on a sliding scale basis, and without cost to indigent.</i></p> <p>(d) <i>Provision that, upon consent of the parties, a written agreement or an award resolving a dispute will be issued setting out a settlement of the issues involved in the dispute and the future responsibilities of each party.</i></p> <p>(e) <i>Provision of neutral procedures applicable equally to all participants without any special benefit or consideration given to persons or entities providing funding for the programs.</i></p> <p>(f) <i>Provision that participation in the program is voluntary and that the parties are not coerced to enter dispute resolution.</i></p> <p>(g) <i>Provision of <u>alternative dispute resolution is the primary purpose</u> of the program.</i></p> <p>(h) <i>Programs operated by counties that <u>receive funding under this chapter shall be operated primarily for the purposes of dispute resolution</u>, consistent with the purposes of this chapter.</i> (Emphasis Added)</p> <p>The above provisions eliminates from funding self-help centers unless of course, they meet the above requirements, and many others in the DRPA Statutes and Regulations.</p> <p>I do not have the expertise to comment on whether dispute resolution centers should coordinate with Self-help centers.</p>	
45.	Judge Roderic Duncan (Ret.) 1678 Shattuck Ave., #246	A	N	I think the Action Plan is excellent. When implemented, it will provide a dramatic increase in	No response required.

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	Berkeley, CA 94709			<p>important services to the pro pers who still get lost in the jungle of procedures that confront lay persons with important family law issues.</p> <p>I differ with the plan in only a few very minor details- for instance, in the plan of some counties to use kiosks such as those used in Arizona for many years. I believe that only a very few pro pers are able to navigate the multiple screens of the kiosks I have seen.</p> <p>It has been my experience working in several counties in the Assigned Judges Program between my retirement in 1995 and January, 2003, that litigants using the self-help programs available have never shown any possible ability to pay a retainer to an attorney.</p> <p>On another matter, I have been part of many efforts over ten years to recruit volunteer attorneys to aid pro pers. There is a hard core of generous lawyers who give their services when they are available. But despite all sorts of incentives that have been tried, I am pretty well convinced, the number of lawyers available to assist on a regular basis is not going to increase dramatically. Where there are law schools near courts, they provide a wonderful source of help. Recruitment by judges going personally to the schools is of major assistance.</p>	<p>Technology and methods of presentation have improved significantly since the Arizona model.</p> <p>No response required.</p> <p>No response required.</p>
46.	Charles Dyer Director of Libraries and Secretary to the Board Main Library 1105 Front St. San Diego, CA 92101	AM		<p>To begin, we praise the Statewide Task Force for its very hard work in covering the good work across the State already being done by the courts. The report is a good contribution, as far as it goes. Most of the report is quite good.</p> <p>However, from our viewpoint, it is very incomplete, and we are greatly concerned that it will be assumed</p>	<p>No response required.</p> <p>Will amend the report to reflect the importance of law libraries. The Task</p>

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				<p>to be complete by such entities as the Legislature and some of the stakeholders. Noting the mission of the Task Force, as quoted on page on of the Executive Summary, we believe the report significantly fails mission number 1, “to coordinate the statewide response to the needs of self-represented parties.” The report barely touches on the huge contributions of county law libraries from across the State. It also fails to account for several programs that presently deal with unbundled legal services and the results and problems of those programs.</p> <p>As a result of this failing, we respectfully, but strongly, request that there be a scope note placed at the beginning of the report that states that the aim is to develop programs under the control of the Judicial Council only. Other programs, such as county law libraries, which use services to self-represented litigants as part of their rationale for funding and legislation, are not included in the report, except as collaborating agencies. (As noted in our more narrow criticism of the report itself, even those mentions of the county law libraries are woefully deficient.) Legislation intended to implement the recommendations of the report should not be thought to be exhaustive of the all the potential and suitable recommendations that could be made in order to provide for self-represented litigants.</p> <p>By gate count and periodic surveys, we find that the San Diego County Public Law Library serves some 100,000 self-represented litigants (SRLs) per year. Given anecdotal evidence of our reference staff, we assume that, due to repeat visits, the actual number of individual SRLs served is between 30,000 and 50,000 per year. They ask 85 percent of the 80,000</p>	<p>Force attempted to reflect the response of the court system to the needs of self-represented litigants, but did not try to address the many efforts of various non-profit as well as commercial entities.</p> <p>Have clarified the language to specify that the report attempts to address the way in which the court system serves the needs of self-represented litigants. As the commenter points out, other services would be beyond the purview of the task force.</p> <p>No response required.</p>

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				<p>reference questions answered by our librarians each year. In order to serve such large numbers and better prepare them for court, the SDCPLL teaches classes to SRLs on seven topics, including basic civil procedure and appellate procedure. Currently, through federal grants made by the California State Library, we have expanded our class sessions to an average of eleven in-house and three or four at remote locations (such as branches of the public libraries) per month. You may check our website for the calendar of our in-house programs at www.sdcpll.org.</p> <p>At our Main Library, the San Diego Volunteer Lawyer Program runs a Law Library Clinic, wherein it provides unbundled legal advice to any SRL, regardless of topic, status, or income qualification, in twenty-minute parcels. They see 18 people per week, due to limited grant funds. We typically turn away four times as many for the available slots, which are only on Mondays and Wednesdays. Often the SRLs need only some reassurance that they are indeed pointed in the right direction or a quick redirection. Often they are referred back to the reference librarians or directly to materials in the Library. It is also worth noting that, because of the variety of client and variety of type of action, the SDVLP has staffed this program with staff attorneys, rather than volunteers, because to breadth of general legal knowledge of the attorney is more important than depth in a narrow area of practice.</p> <p>Similar reference services and unbundled legal advice programs are found at county law libraries across the State. Even such places as the Nevada County Law Library has an unbundled advice program in conjunction with the Nevada County Bar.</p>	<p>Other than in the background paper on California's courts response to the needs of self-represented litigants, the Task Force chose not to highlight individual programs.</p> <p>No response required.</p>

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				<p>As a result of years of such work, we have developed a good understanding of the needs of SRLs. From our perspective, the sense of the report fails to meet some of their basic needs. We have found that most people not versed in law have developed their own sense of justice, based on their own cultural experience. They come to the courts and the county law libraries with pre-set notions of what justice they will receive from the courts. Their frustration with the many barriers to access to the courts is intensified as the justice they presume they should get is denied.</p> <p>At the SDCPLL, we believe it is our objective to educate SRLs so that they are better aware of the actual remedies they may be able to obtain and to educate them on how to go about obtaining them. We do not presume to inform them of the differences between their individual notions of justice in their own cases and the actual obtainable justice as commonly known (or found through legal research) by the legal community. But we do educate them as to the methods of obtaining that information and do, through our classes and individual one-on-one reference, inform them of the nature of law as it actually is. By that I mean that we give them a sense of the common law and statutory interpretation and an understanding that such things as fill-in-the-blank forms are only meant to create some structure to ease use in more routine matters. We also inform them that they should recognize that no matter, especially their own, should automatically be considered routine. They must do the work themselves and make their own decisions.</p> <p>We have observed that, regardless of the intelligence and education level of SRLs, they all, quite rightly,</p>	<p>Agree that it is important to assist litigants in developing reasonable expectations.</p> <p>No response required.</p> <p>Agree that live persons are often critical for alleviating some of a litigant's concerns</p>

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				<p>are nervous about handling their own case, because it is their first case, no matter how routine it may appear to us or to the courts. Such devices as web-access forms and kiosks and packaged forms do not totally alleviate that concern. Self-help books, such as those by Nolo Press, can alleviate much of the concern for those who can adequately catch the subtleties buried in the text. But for many, nothing short of a real live person can make them feel sufficiently comfortable.</p> <p>It is in the spirit of that knowledge that we respectfully suggest that the hope placed through the Task Force Report that the need for face-to-face help can be filled by a significant increase in unbundled legal services is wrongheaded. Certainly, an increase in the availability of unbundled legal services would help, but the numbers of SRLs are much larger than can ever be served adequately by unbundled legal services on the part of the bar. It also misses the point that most SRLs are driven to doing their own litigation in order to avoid expense. Even middle class SRLs will not believe they can afford to pay for unbundled legal services for small cases that do not warrant a significant amount of damages or have no damages at all.</p> <p>We highly recommend that due consideration be given for the ability of our county law libraries and their very good, but underappreciated, staffs to provide SRLs with sufficient empowerment to handle their own cases.</p> <p>Second, we strongly recommend that the examples of free, unbundled legal advice given in clinics at county law libraries can help a significant number of</p>	<p>about self-representation. That is why the Task Force is recommending that self-help centers be staffed.</p> <p>The Task Force is strongly encouraging staffed self-help centers, but recognizes that some people have the resources to pay for additional needed assistance and believes that limited scope representation may fill some of this gap.</p> <p>Clinics such as those offered at the law library are one form of unbundled services, but there appears to be another market of attorneys willing to assist litigants in drafting documents, coaching them through proceedings or appearing with them in court for limited aspects of a case.</p> <p>Agree that law libraries are often extremely helpful for litigants who have the ability to use the resources of the law library. The task force encourages self-help centers to share materials they develop with law libraries to assist self-represented litigants.</p> <p>The Task Force has determined not to list specific examples of any programs in the body of the report. The paper that</p>

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				<p>SRLs get over the hump of despair they have from handling such an important matter without the aid of a knowledgeable person. As noted above for the Law Library Clinic at SDCPLL, attorneys should be specifically trained in this kind of work.</p> <p>Third, we believe that county law libraries in many counties may well be the best place for the proposed self-help centers. Often, county law libraries are open longer hours than the courts, and referrals both to the self-help centers and back to the libraries themselves could be more easily facilitated.</p> <p>Please take these recommendations to heart. We in no way intend to criticize the hard work already accomplished by the task force, but we believe strongly that the report must be adjusted to account for the points we note. Initial reactions:</p> <ul style="list-style-type: none"> • Report is Superior Court-centric. • Focus of report is too narrow. It totally ignores what other entities have accomplished in the same area • Heavy emphasis on role of attorney assistance - i.e., attorney staffed self-help centers, unbundling, and facilitators. This is not to denigrate the need for such services but there is much more that can be done and is already being done by county law libraries. • Report totally ignores law libraries other than considering them a repository for materials prepared by the courts to assist SRLs. • Even as listed partners, according to this report, law libraries don't really seem to be doing anything. • Too narrow a focus - <i>“that well-designed strategies to serve SRLs are incorporated throughout</i> 	<p>describes specific programs is limited to those actually offered by the court.</p> <p>Agree that, in some communities, county law libraries may well be the best place for self-help centers and should be examined carefully by the court and law libraries together.</p> <p>Again, this plan is designed to reflect those areas over which the Judicial Council has purview. Law libraries are not one of those areas. The action plan will be revised to reflect the importance of law libraries as partners for court services.</p> <p>The draft report that is attached was only designed to reflect the response of California's courts to the issue of self-represented litigants. It does not reflect the many programs in the public and private sector that have responded to this critical need.</p> <p>This report is really designed to deal with the courts' response to self-represented litigants.</p>

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				<p><i>the full scope of COURT OPERATIONS.”[2]</i></p> <ul style="list-style-type: none"> There is a need to think outside of court operations, i.e., law libraries and volunteer clinics inside law libraries. The report states that “<i>with its family law facilitator program family law information centers, self-help Web site, self-help pilot projects created by local courts in collaboration with bar associations and legal services, California has led the nation in beginning to address the reality of litigation involving SRLs...</i>”[2] Again too narrow a focus. What about what is currently being done now in the law libraries— innovative in approach, and demonstrably successful. <p>Recommendations: [2,3]</p> <p>1. <i>“Court based self-help centers should be developed throughout the state.</i></p> <p>These self-help centers could be located in county law libraries. They often have longer hours. Reference libraries can direct people to them with greater facility.</p> <p>The following recommendations should reflect what law libraries are already doing: 5. <u>PUBLIC AND INTERGOVERNMENTAL EDUCATION AND OUTREACH</u> : JUDICIAL OFFICERS AND OTHER APPROPRIATE COURT STAFF SHOULD ENGAGE IN COMMUNITY OUTREACH AND EDUCATION PROGRAMS DESIGNED TO FOSTER REALISTIC EXPECTATIONS ABOUT HOW THE COURTS WORK [5] One of the recommendations is that “<i>the AOC continue to develop informational material and explore models to explain the judicial system to the public.</i>” Another is that “local courts should</p>	<p>There is a wide variety of responses by law libraries to the needs of self-represented litigants. Will add recognition of work of law libraries.</p> <p>Agree. That may well be appropriate in some counties.</p> <p>Will add language reflecting the need to collaborate with law libraries on these issues.</p>

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				<p>provide...law libraries... and other appropriate community groups with information on issues and services related to SRLs.”</p> <p>6. Facilities- <i>Space in court facilities should be made available to promote optimal management of cases involving SRLs.</i> [5]</p> <p>The need for adjacency of county law libraries to the courts has been demonstrated in architectural report after report. The obvious confluence of county law libraries and self-help centers would be a significant savings to taxpayers.</p> <p>7. Fiscal Impact- ...exploration and pursuit of stable funding strategies is required.</p> <p>“Court-based fees be used for court-based self-help services.” No problem with the concept, but further use of the filing fee for additional court ventures will lessen the capability of filing fees to support the county law libraries. AB 1095, signed this year, will create another task force for county law libraries, and one of its chores is to develop a more stable funding source.</p> <p>8. Implementation of statewide action plan- <i>Recommends that the implementation task force be composed of experts in the areas of judicial education, court facilities, legislation, judicial finance and budgeting, court administration and operation, and court-operated self-help services.</i> [7]</p> <p>The scope of “self-help services” should be expanded to include the experts at county law</p>	<p>Agree. This may work in many counties. There are great differences in facilities and needs throughout the state.</p> <p>We look forward to the work of the Task Force on AB 1095 to develop more stable funding sources for the libraries.</p> <p>Partners such as law librarians, legal services organization and bar leaders will be suggested for membership as well.</p>

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				<p>libraries.</p> <p>Report:[8]</p> <p><i>“Strategies for handling cases without attorneys have typically not been addressed as a core function of the courts.”</i></p> <ul style="list-style-type: none"> The report fails to recognize that it has been a core function of law libraries for a long time. <p><i>“Cost benefits to the courts produced by pro per assistance programs have already been documented in terms of savings in courtroom time, reduction of inaccurate paperwork, inappropriate filings, unproductive court appearances, and resulting continuances; and increases in expeditious case management and settlement services..”[9]</i></p> <ul style="list-style-type: none"> Classes and legal clinics at county law libraries already produce these same cost benefits. <p><i>“In crafting its recommendations, the task force has, to the greatest extent possible, attempted to include replication of existing best practices, collaborative efforts, development of standardized criteria for self-help centers, and other cost-effective methods or procedures.”[9]</i></p> <p>County law library programs should have been included.</p> <p>Recommendations:</p> <p>1. Court based self-help centers should be developed throughout the state. [10]</p>	<p>Agree that this is not included, but this was seen as beyond the scope of the report.</p> <p>Agree that services to self-represented litigants produce cost benefits.</p> <p>The Task Force focused its efforts on court programs. Programs developed by legal aid organizations and bar organizations were also not included, nor were those of the private sector or other community organizations.</p>

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				<p><i>B. Courts utilize court-based, attorney supervised, staffed self-help centers as the optimum way to facilitate the efficient processing of cases involving SRLs and to increase access to justice.</i></p> <p><i>“Surveys of SRLs demonstrate that most litigants find personal contact with staff essential. Personal assistance by self-help center staff has been successfully provided through individual face-to-face assistance, workshops, teleconferencing, or telephone “help lines”.</i></p> <p>Report continues that the services may be provided <i>“at the courthouse, at court outpost locations, in mobile vans, libraries, jails, or other community locations....format varies based on sophistication of SRL.”</i></p> <ul style="list-style-type: none"> • Report recommendations should also provide discussion of what already exists and could be replicable outside of the superior court system. <p><i>D. Court-based self-help centers serve as focal points for countywide or regional programs, in collaboration with legal services, local bar associations, and other community stakeholders, for assisting SRLS [11]</i></p> <p>The report itself states that <i>“valuable support for those seeking assistance can be provided outside the court structure. It is strongly recommended that other existing and effective efforts to support SRLs be continued and encouraged. [12] Through partnership agreements and other collaborative efforts, private non-profit legal programs; local bar associations; LAW LIBRARIES; public libraries; law</i></p>	<p>As a Judicial Council product, the scope of the recommendations have been focused on the judicial branch.</p>

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				<p><i>schools and colleges; professional associations for psychologists, accountants, and process servers; and other appropriate community groups and organizations can offer staffing support, make facilities available for workshops, or contribute in other ways.” [12]</i></p> <p>The report continues “<i>County law libraries have been a reliable and traditional source of support for self-represented litigants.</i>”</p> <p>Why not be more specific and describe what else law libraries can do and are doing and have already done? Talk about damning with faint praise.</p> <p>2. Support for self-help services [13] H. The JC continue to support increased availability of representation for low and moderate income individuals.[15]</p> <p>Unbundling is discussed well in terms of where it could be used, but badly in terms of reality. Very few lawyers would seek to build a private practice out of unbundled representation, certainly not to the extent being proposed here, if this is truly the method sought to aid the masses. A better format would be non-profit clinics similar to those at county law libraries.</p> <p>....</p> <p>4. Judicial Branch Education [17] A. A formal curriculum and education program be developed to assist judicial officers and other court staff in dealing with the population of self-represented litigants.</p> <p><i>Surveys conducted by local courts in developing</i></p>	<p>Again, the report is not describing many services that have been offered by partners.</p> <p>When the Task Force recommends expanding unbundled representation, it is referring to a model where private attorneys will assist litigants with a portion of their cases – drafting, coaching, assisting with settlement, or appearing for a portion of their case. While clinics, such as the ones offered by SDVLP are very helpful, these do not provide the full range of services that can be offered by private attorneys. It also does not provide the economic support that would encourage more private attorneys to provide assistance to low and moderate income litigants.</p>

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				<p><i>action plans to serve SRLs indicate that these litigants rate the availability of staff to answer questions as the most valuable service the court can provide. [18] (Survey of court personnel suggested that SRLs “could be best served not through direct staff service, but through written materials and other self-help support.”)</i></p> <ul style="list-style-type: none"> The SDCPLL, in cooperation with the San Diego County Superior Court, supplies reference staff to speak at court in-service training and orientations for court clerks. They train the clerks how to provide adequate referrals to the SDCPLL. They also work with the courts to provide some understanding of the amount of adequate information that clerks should be allowed to give. <p>5. Public and Intergovernmental Education and Outreach [19]</p> <p>A. AOC continue to develop informational materials and explore models to explain the judicial system to the public</p> <p>Repeats emphasis on encouraging judicial officers to engage in community outreach and education programs. [20]</p> <p>Report gives examples of existing “communication modes” and offers some suggestions such as “<i>use of videotapes, speaker materials, and talking points on a variety of legal issues could be prepared for use by public access television, self-help centers, LAW LIBRARIES, and other information outlets...Programs such as Spanish language radio programs should be encouraged to expand outreach to traditionally underserved populations....for</i></p>	<p>This is an excellent service. The AOC also has a training program developed to assist clerks to determine the difference between legal information and legal advice.</p>

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				<p><i>example, information could be provide to alert immigrant populations in their native languages to the most commonly encountered differences between California's laws and those in their countries of origin."</i></p> <ul style="list-style-type: none"> Again we are only mentioned as an information outlet. The fact of our classes for SRLs is not included. Certainly, videos would aid the SDCPLL in teaching courses, but the live instruction would also help in furthering the understanding of SRLs who watch the videos. <p><i>C. Local courts provide law enforcement, local bar associations, LAW LIBRARIES, local domestic violence clinics, and other appropriate community groups with information on issues and services to self-represented litigants. [20]</i></p> <p>Report states that there is a need for <i>"cooperative and collaborative efforts to ensure efficient and consistent administration of justice both in practice and in perception must be instilled. Additionally local bar associations, LAW LIBRARIES, and other appropriate community services should be kept informed about services available and issues of concern to SRLs and included in collaborations for trainings among agencies."</i> [21]</p> <ul style="list-style-type: none"> The courts also need to maintain an awareness of what is available already out there for SRLs, i.e., law library programs. <p>6. Facilities</p>	<p>Agree that these classes are very valuable. It is unclear to the Task Force that many law libraries offer such courses, although all provide extremely valuable help to self-represented litigants.</p> <p>Agree. Will revise language accordingly.</p> <p>This is often a good solution, will vary</p>

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				<p>Basically recommends self help spaces be in courthouse facilities.</p> <p>Several county law libraries actually have self-help centers sponsored jointly with their local courts. The confluence is better than an unstaffed facility or one located away from the county law library. The need for keeping county law libraries adjacent to the courts has been noted in many architectural studies. A collaboration here makes good sense.</p> <p>7. Fiscal Impact A. Continued stable funding be sought to expand success pilot programs statewide.</p> <p><i>“JC should seek stable funding to support and expand valuable existing programs such as the family law information centers, family law facilitators, self-help pilot projects, planning grants for SRL projects, the Unified Courts for Families Projects, and the Equal Access Partnership Grant Projects. Funding should be sought to expand successful pilot projects throughout the state.” [23]</i></p> <ul style="list-style-type: none"> There are many projects that are outside of the courts themselves that could also be sponsored, such as the classes taught by librarians at SDCPLL or the clinic conducted by the SDVLP. <p>8. Implementation of Statewide Action Plan A. The implementation task force be composed of experts in the areas of judicial education, court facilities, legislation, judicial finance and budgeting, court administration and operations, and court-operated self-help services. [26]</p> <ul style="list-style-type: none"> The limiting of the team of experts to “court- 	<p>depending upon the facilities in each county.</p> <p>This is an important issue to consider with the new task force on law libraries. Some planning grants have funded programs with public libraries and law libraries.</p> <p>Agree, will change language to reflect desire for input from additional partners with expertise.</p>

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				<p>operated self-help services” excludes some of the best experts on self-help services available in the State, the county law librarians.</p> <p>Recommended Strategies:</p> <p>This is the area in which the law libraries should be mentioned a lot more than they are.</p> <p>1. SELF HELP CENTERS- [28-29] 1B - Courts utilize court-based, attorney supervised, staffed self-help centers as the optimum way to facilitate the efficient processing</p> <p>1D - Court-based self-help centers serve as focal points for countryside or regional programs, in collaboration with legal services, local bar associations and other community stakeholders for assisting SRLS. <i>“Aggressive networking and collaborative efforts can maximize resources in numerous ways such as ...</i> <i>” Providing assistance at LAW LIBRARIES</i> [29]</p> <p>IE. “Suggests that self-help resources should be coordinated to incorporate programs such as the family law facilitator, small claims advisor, court based legal services, and other programs into center where both family and civil law information is provided.”[29]</p> <ul style="list-style-type: none"> This strategy indicates the task force is suggested a place for one-stop shopping. This is not always the best answer. Referrals to the place for which an SRL feels most comfortable, self-help center, library, or back and forth, may well be 	<p>Agree. Have revised language to reflect that services should be coordinated, but might best be offered at different locations.</p>

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				<p>necessary.</p> <p>II SUPPORT SELF-HELP CENTERS [30-31] II.G. <i>“AOC to provide training to self-help centers on the use of technology and how to guide SRLS to internet resources.”</i></p> <ul style="list-style-type: none"> The best source for training in the use of the Internet is from those who use the Internet constantly as part of their ordinary routine. Law librarians train nearly everyone in the legal community on such use. It seems logical to deploy them for training SRLs. SDCPLL already does this, as do many other county law libraries. <p>III ALLOCATION OF EXISTING RESOURCES: [32]</p> <p>We are glad to see law libraries mentioned here in IIIB.</p> <p>IV JUDICIAL BRANCH EDUCATION [33] IV.B <i>“AOC provide specialized education to court clerks to promote their ability to provide the public high-quality information and appropriate referrals, as well as to serve as support staff to the self-help centers.”</i> <i>Subject matter should include</i> <ul style="list-style-type: none"> <i>Difference between legal advice and legal information</i> <i>Training on community services available to SRLs</i> <i>A basic overview of substantive and procedural issues relevant to SRLS</i> <i>Effective skills in dealing with people in crisis</i> <i>Use of simple and ordinary English language skills</i> </p>	<p>This should be included as an excellent resource for many areas and collaborative training would be extremely helpful. Some of the technological resources contemplated are not necessarily on the internet.</p> <p>This is an excellent resource.</p>

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				<p><i>when explaining legal procedures.</i></p> <ul style="list-style-type: none"> Currently many of the San Diego County Superior Court clerks come to the Library and attend library orientation classes as have all the 4th District Court of Appeals clerks. We've actually had clerks (on their own time) attend our Pre-Trial Procedure class on Saturdays, and not only from San Diego County. We've had a few from Orange County as well. <p>V. PUBLIC AND INTERGOVERNMENTAL EDUCATION AND OUTREACH [34] V.A Judicial officers should be encouraged to engage in community outreach and education programs.</p> <p>V.C. <i>"Local courts provide law enforcement, local bar associations, LAW LIBRARIES, local domestic violence councils, and appropriate community groups with information on issues and services related to SRLS."</i></p> <p><i>Provide legal services, local bars and other community organizations information about services for and matters affecting SRLs.</i> <i>Collaborate with these stakeholders in cross-trainings.</i></p> <ul style="list-style-type: none"> Again, county law libraries are considered only a recipient of information, not a primary source for information. <p>V.D. The Judicial Council continue to coordinate with.....</p>	<p>Agree, will revise language to reflect the importance of obtaining information from law libraries and these other community partners.</p> <p>The text currently mentions organizations representing law libraries as a key group to collaborate with. The specific listing will be added.</p>

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				<p>One very important group is missing: the Council of California County Law Librarians.</p> <p>VI. FACILITIES</p> <p>Self-help centers may often be wisely placed in the county law libraries.</p> <p>VII FISCAL IMPACT [36]</p> <p>We continue to note our reservations about overloading the filing fee, especially as it is the primary source for funding the county law libraries.</p> <p>VIII IMPLEMENTATION OF STATEWIDE ACTION PLAN [38]</p> <p>VIII.A. <i>“The implementation task force be composed of experts in the areas of judicial education, court facilities, legislation, judicial finance and budgeting, court administration and operations, and court-operated self-help centers.”</i></p> <p style="padding-left: 40px;">• <i>Development and implementation of programs that:</i></p> <p style="padding-left: 80px;"><i>Promote expeditious processing of cases involving SRLs.</i></p> <p>VIII.B. <i>“The implementation task force have representation from existing JC advisory committees.</i> [38]</p> <ol style="list-style-type: none"> 1. <i>Presiding judges and court executives</i> 2. <i>Appellate</i> 3. <i>Family and juvenile</i> 4. <i>Civil and small claims</i> 5. <i>Court Interpreters</i> 6. <i>Traffic</i> 7. <i>Probate</i> 8. <i>Budget</i> 	<p>Agree. This may well be appropriate in many counties.</p> <p>The Task Force did not recommend a fee increase.</p> <p>As county law libraries are not within the</p>

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				<p>9. <i>Facilities</i> 10. <i>Technology</i></p> <ul style="list-style-type: none"> There is no mention of expert law library participation. Perhaps the problem lies in part that there are no advisory committees or coordinating committees devoted to law libraries and their services. We understand that the concern here might be to keep the implementation limited to those under the Judicial Council, but the need to do what is necessary can outweigh such limitations. <p>Appendix 2- Description of California Courts Programs for SRLs</p> <ul style="list-style-type: none"> Title says it all. Total focus is on court programs. It is unfortunate that the report fails to recognize the substantial programs at county law libraries for SRLs. <p><i>“One reason for the large number of unrepresented litigants relates to the cost of attorney fees which are not publicized, but in one list of attorneys willing to provide unbundles services In one suburban community appear to range between \$175 and \$225 per hour.” [44]</i> This was in the context of family law but is probably true across the board. As the court said in a discussion of people already facing financial challenges, <i>“these rates often seem prohibitive.”</i></p> <ul style="list-style-type: none"> Good reason why unbundling won’t be very effective. <p>COURT SELF-HELP WEBSITE [47] whole site redesigned to make it accessible at 5th</p>	<p>purview of the Judicial Council, there is not such an internal coordinating committee. The language will be modified to reflect the importance of participation of law librarians.</p> <p>This was indeed designed as a report on the courts efforts in serving self-represented litigants and does not describe the many important achievements of justice system partners such as law libraries, the bar, legal services, domestic violence programs, community agencies or the private sector to address the critical needs of self-represented litigants.</p> <p>Unbundling is designed to allow litigants to hire an attorney for a portion of their case and thus, limit their fees.</p> <p>Yes, the Task Force is aware that this</p>

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				<p>grade level also available in Spanish</p> <p>The website has been very good. Has the Task Force noted the huge number of questions that have been sent to county law librarians through the “ask a librarian” button on that website?</p> <p>FIVE MODEL SELF-HELP CENTERS: [55]</p> <p>Nevada County Public Law Center</p> <p>The paragraph states that the center is in the “court’s law library.” Actually, that is the county law library, and one of the main instigators of the center was the county law librarian.</p> <p>Technology Model: Contra Costa - <i>provide assistance via the Internet, computer applications and real-time videoconference workshops to create a Virtual Self-Help center for SRLs...</i></p> <ul style="list-style-type: none"> • There is no mention of the 24/7 “ask a law librarian” service, which has a button on the self-help website. This service is the collaboration of county law librarians from across the State. <p>OBJECTIVES OF EVALUATION</p> <p>To measure overall effectiveness of the Centers in several areas. [57] Among measurements-</p> <ul style="list-style-type: none"> • <i>Increased understanding of, and compliance with, the terms of court orders</i> • <i>Increased access to justice</i> 	<p>excellent service has been well-utilized.</p> <p>Agree. That language has been modified.</p> <p>This is not mentioned as it is not a part of the technology model that is being described in this section.</p>

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				<p>•Increased likelihood of just outcomes in cases involving SRLs</p> <p>• Increased user satisfaction with the court process</p> <p>•Increased education for court users so that their expectations are reasonable in light of law and facts</p> <p>These objectives are all capably met at the SDCPLL.</p> <p>...</p> <p>UNBUNDLING [67-70]</p> <p>Please note our comments elsewhere about the Law Library Clinic at SDCPLL. This section is all prescriptive and fails to note actual programs that are up and running.</p> <p>APPENDIX 3 - REPORT AND ANALYSIS OF ACTION PLANS THROUGHOUT THE STATE [72]</p> <p>Report's Introduction-</p> <p><i>"It is often enormously frustrating for a small county to hear from a larger one about all the wonderful things it is doing and to feel that it simply does not have the resources to replicate those programs....THE GOAL WAS TO PROVIDE REPLICABLE MODELS AND FOSTER THE PARTICIPATION OF GROUPS OF COUNTIES WITH SIMILAR DEMOGRAPHIC ISSUES SO THEY COULD TALK TO EACH OTHER ABOUT WHAT WOULD WORK IN THEIR COMMUNITIES."</i> [75]</p> <p>Based on needs assessments, pro se litigants needed the majority of assistance in family law related matters. [80]</p> <p>Most Helpful Kinds of Services [83]</p>	<p>No response required.</p> <p>The unbundled services offered by the San Diego law library are somewhat different than those being discussed.</p>

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				<p><i>SRL Surveys indicated</i></p> <ol style="list-style-type: none"> 1. <i>Staff to answer questions</i> 2. <i>Written instructional materials</i> 3. <i>Web/Internet assistance</i> 4. <i>Referrals to attorneys</i> 5. <i>Unspecified other types of assistance.</i> <ul style="list-style-type: none"> • The county law libraries have already responded to these needs. <p>Service Delivery Methods (for proposed action plans)[91]</p> <p><i>“None of the medium-sized courts and only one of the large courts proposed using workshops to provide legal information and assistance. “In larger counties, this may reflect the fact that action plans tend to focus on unlawful detainers and other civil litigation matters. Workshops are less optimal in time-sensitive matters such as answering UD actions. Also, other civil matters do not have the same types of legal and procedural uniformity found in many family law matters. Workshops are less effective for groups with a wide diversity of issues.” [91]</i></p> <ul style="list-style-type: none"> • Based on the success of our procedural classes, we at SDCPLL would disagree with this statement completely. <p>Training of Court Personnel [96-97] <i>At least one plan from each county included training for court staff.</i></p> <p><i>44% of the courts that proposed training included training for volunteers from the community.</i></p>	<p>No response required.</p> <p>There are many issues to explore in providing services through workshops. One difference may be that most self-help centers actually assist litigants in completing forms during the workshops.</p> <p>This should be very helpful. The Task Force hopes that the library will share the</p>

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				<p>Two of the medium counties proposed a “train the trainers” strategy designed to teach community service providers how to assist self represented litigants. [97]</p> <ul style="list-style-type: none"> SDCPLL has a federal grant this year to do just that—train the trainers. <p>C. COMMUNITY PARTNERSHIPS [101]</p> <p><i>Partnerships between the court and other community service providers were pivotal to the development of these action plans. All the plans included multiple partners from both government and community in their planning process.</i></p> <p><i>Other government agencies that were included were victim-witness programs, the Dept. Of Child Support Services, district attorneys, public defenders, the DSS, boards of education, public health agencies, law enforcement agencies, a state hospital, departments of probation, and child care councils.</i></p> <p><i>Examples of community social services and, chambers of commerce, the Rotary, Elks Clubs, Moose Lodges, vocational schools, neighborhood resource centers, senior citizen centers, parenting programs, drug and alcohol programs, childcare centers, fair housing agencies, YWCA, fathers’ support groups, the United way, disability services, newspapers, and the Salvation Army.</i></p> <p><i>College and university partners included both undergraduate programs and law schools. There were also several counties working with paralegal schools.</i></p>	curriculum and reports on the training.

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				<p><i>A few plans mentioned working with the AOC.</i></p> <p><i>Unbundling was the focus of most associations with bench-bar groups. [102]</i></p> <p>Even partnerships with local newspapers and television and radio stations. [103]</p> <ul style="list-style-type: none"> What about the most logical partnership of all—one with the local county law library? This an extremely wide range of community partners, yet it fails at the obvious. <p>COLLABORATION AND RESOURCES:</p> <ul style="list-style-type: none"> Although the report says that partnerships formed with other government and community based organizations was critical, the only mention of libraries (not law libraries) is the sentence “<i>And working with libraries and other community agencies to create outpost assistance in more remote areas was also extremely important.</i>” [104] <p>APPENDIX A - ACTION PLAN SUMMARY CHART [105-end of report Plans that mention Law Libraries as partners (Libraries, not law libraries) are mentioned frequently.</p> <p>Lassen - Law Library Board Marin - Law Libraries Monterey/San Benito/Santa Cruz - Law Libraries Riverside - Law Libraries San Diego - Law Library [116] San Francisco</p>	<p>This is an important area where courts and law libraries can work together.</p> <p>The Task Force is reporting on what the plans described and is not in a position to rewrite those plans.</p> <p>The Task Force is reporting on what the plans described and is not in a position to rewrite those plans.</p> <p>The Task Force hopes that the new Task Force on Law Libraries will help develop methods for closer collaboration between the courts and law libraries.</p>

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				<p>Siskiyou County Law Library Stanislaus Law Library</p> <p>Just glance at these plans. Where is any utilization of one of the most logical partners—the county law libraries?</p> <p>Even in San Diego, the SDCPLL is only mentioned as a legal resource in the United Way Directory. And that line neglects the better directory maintained by the SDCPLL, which we feed to the San Diego County Bar's Lawyer Referral Service.</p> <p>The “unbundling” portion fails to mention the SDVLP's Law Library Clinic.</p>	
47.	<p>Judge Haley J. Fromholz Chair, ADR Court Committee Julie L. Bronson ADR Administrator Superior Court of Los Angeles County 111 North Hill St., Room 546 Los Angeles, CA 90012</p>	AM	Y	<p>The action plan proposes using Dispute Resolution Program Act (DRPA) Funds to pay for programs to aid self-represented litigants. The LASC – ADR Committee recognizes the importance of helping self-represented litigants, but we do not agree with the proposal to the extent it would use DRPA funds to pay for other than ADR programs.</p> <p>The Los Angeles Superior Court has provided alternative dispute resolution services to litigants, free of charge, since 1978. It has expanded its services since then and, we estimate, will provide ADR services to over 30,000 cases in calendar year 2003, including limited and unlimited jurisdiction, and family law cases. Needless to say, our ADR program provides great help in the administration of justice in Los Angeles, to represented as well as unrepresented parties.</p> <p>Our ability to provide those services is dependent on an annual grant of DRPA funds from the County of</p>	<p>Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies.</p>

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				<p>Los Angeles, which, though generous, is less than we need to meet the needs of the litigants we serve.</p> <p>We urge that DRPA funds not be diverted to other programs without a thorough consideration of the effect on alternative dispute resolution programs.</p>	
48.	Jan M. Christofferson CEO, Placer County	AM	Y	<p>Placer County agrees in concept with the overall Action Plan; however, the county cannot support or agree to the utilization of fees that are designated under the Dispute Resolution Program Act (DRPA) as stated in Recommendation VII – Fiscal Impact; Section G – “Court Based fees to be used for court based self-help services”. The use of DRPA funds is clearly stated in the Act itself and in the program regulations, which are governed by the State Department of Consumer Affairs.</p> <p>DRPA funds are fully utilized in Placer County to provide critical and predominantly non-justice system based mechanisms to solve a wide variety of community related problems related to: noise, pets, parking, property use, landlord/tenant, annoyance complaints, neighborhood hassles, property damage, money, workplace problems, organizational conflicts, family disputes, commercial/consumer, government relations and school/community. As one of the nation’s fastest growing counties, Placer County’s reliance on community based mediation services continues to dramatically increase. The county has a contract in placed with Placer Dispute Resolution Services Inc., a community-based non-profit corporation (CBO) to provide these crucial services to our rapidly growing communities.</p> <p>The fact that DRPA fees are collected through a justice related mechanism cannot be translated to mean that the funds can be shifted for use by the</p>	Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies.

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				<p>courts. Along with the DRPA, the court collections' process funds a wide variety of critical community programs, including Alcohol and Drug Programs, Domestic Violence Prevention, AIDS education, general county and city law enforcement, county District Attorneys, county Public Defenders, and the state Department of Motor Vehicles. A more complete listing of state departments and city and county programs funded through court-related collections mechanisms is included in the State Controller's Manual of Accounting and Audit Guidelines for Trial Courts.</p> <p>In the aforementioned section, the Action Plan states: "A realignment of revenue should be sought to direct justice-system-related revenue within the judicial branch", and "Increases in filing fees to subsidize self-help centers were not considered appropriate at this time in light of competing critical needs such as court facilities, and the fact that courts fees are already heavily laden with a variety of special assessments. Should a realistic opportunity for the institution of such fees arise, it should be pursued." In fact, a realignment of undesignated justice-system-related revenues is already occurring through the recent passage of AB1759. "Special assessments" include designated funding that is already sent to the state to fund general court operations, court facilities and court security.</p> <p>Placer County is at a loss to understand how the DRPA, a <u>designated</u> funding source which has been in place for almost 20 years, could be proposed a "justice-system-related revenue" any more than other non-justice controlled programs funded through the courts as a public entrance door. We urge the task force to reconsider its recommendation regarding</p>	

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				funding examples and delete any references to the DRPA.	
49.	Ester Soriano Los Angeles County Dispute Resolution Programs Act Grants Administration Office	AM		<p>The Los Angeles County Dispute Resolution Programs Act (DRPA) Grants Administration Office is pleased to be able to comment on the <i>Statewide Action Plan for Self-Represented Litigants</i>. We acknowledge the work of the task force and value the importance of such a plan. Our office and the sixteen (16) Los Angeles County DRPA contractors interact with thousands of self-represented litigants each year and understand the limited assistance that is available for many of them.</p> <p>Section VII.G. Court Based Fees be used for court based self-help services.</p> <p>The reference to the Dispute Resolutions Programs Act should be deleted.</p> <p>First, the report infers that DRPA funds should, under the guise of “state financial responsibilities,” be solely administered and utilized by the judicial branch. The Act and its regulations state that the administration of DRPA funds is to be conducted by county government. This is regardless of the fact that the funds are generated through court filing fees. This legislature passed the DRPA in response to complaints about high court costs and wanted an alternative to the formal court system for the public that was not adversarial and legalistic in nature as is in the traditional court process. Some county board supervisors had placed the administration of these funds with their local county court system but have transferred the administration of the funds to county government to maintain the intent and the spirit of the Act.</p>	Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies. Agree that services to self-represented litigants are limited and necessary.

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				Second, the report insinuates that DRPA funds could be utilized to meet the needs of self-represented litigants. The DRPA and its regulations, under any interpretation, prohibits the use of DRPA funds for any type of legal advice or information services which fall under the “practice of law.” This includes legal document assistance. DRPA funds are for the purpose of providing a variety of appropriate dispute resolution services (mediations, telephone conciliations, family conferencing, victim offender mediations, group facilitations) as alternatives to formal court proceeding. In many counties these services assist in court-connected disputes, allowing cases to come to resolution and allowing the court to better utilize limited court resources. DRPA contractors assist and complement the work of the judiciary, but are outside the formal court structure, as is the intent of the Act and its regulations.	
50.	Michelle Katz President California Dispute Resolution Council 1925 Century Park East #2000 Los Angeles, CA 90067	AM	Y	<p>The California Dispute Resolution Council does not agree with the proposed Task Force Recommendation VII: Fiscal Impact – Strategy VII.G “Court-Based Fees Be used for Court-Based Self-Help Services” (page 25)</p> <p>INTRODUCTION</p> <p>The task force proposed recommendation that a ‘realignment of revenue should be sought in direct justice system related revenue within the judicial branch’ specifically targeting funds collected pursuant to the Dispute Resolution Programs Act (DRPA), appears to reflect a misunderstanding of the importance to the justice system of maintaining, if not augmenting, the programs which have developed under the Act, as well as of the intent of that legislation. Were this recommendation to be carried into implementive action, it could have a devastating</p>	Agree. Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies.

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				<p>impact upon programs which have demonstrated effectiveness in the resolution of disputes which otherwise have the potential of increasing burden's upon the justice system.</p> <p>The intent of the legislature can be gleaned from the language of the statute as set forth below.</p> <p>THE NEGATIVE CONSEQUENCES OF IMPLEMENTATION OF THE RECOMMENDATION</p> <p>The result of the DRPA has been the formation of community programs throughout the State operating with the contribution of thousands of volunteer mediator hours per year. The spirit of volunteerism that has been tapped in these programs is a vital and valuable asset that would be substantially wasted were the subject recommendation implemented.</p> <p>The effectiveness of these community based mediation programs funded by the DRPA should be carefully considered by the task force, for their destruction could easily spell gross increases in the demands upon the court staff personnel as well as the judges, as disputants whose matters would otherwise have never reached the courthouse, find that their options for dispute resolution have been reduced to one: i.e., the help they might hope to find at the courthouse. The inclusion of some level of mediation service along with other settlement processes within the service for self-represented litigants would not adequately supplant the work of the dedicated community mediation services and would diminish the availability of conflict resolution resources, such that the only alternative to persons in conflict would be a court connected program.</p>	

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				<p>THE DRPA FUNDS ARE NOT JUSTICE SYSTEM RELATED REVENUE</p> <p>The Dispute Resolution Programs Act (DRPA) of 1986 providing for the local establishment and funding of informal dispute resolution programs, has created a statewide system of locally-funded programs which provide dispute resolution services (primarily conciliation and mediation) community residents. These services assist in resolving problems early and informally as alternatives to more formal court proceedings.</p> <p>The act's statutory provisions (codified at California Business and Professions code Sections 465-471.5) and its Regulations (contained at Title 16, California Code of Regulations, Chapter 36) operate to govern the DRPA and the use of monies deposited into the Dispute Resolution Programs Act Trust Fund.</p> <p>DRPA funds are specifically intended to provide certain forms of alternative dispute resolution services as provided for in DRPA legislation. Although the logistics of collecting DRPA funds are based on an assessment associated with specifically designated types of court filings, this is a <i>collection mechanism</i> and not an indication that the funds are "justice system revenue" subject to being subsumed by the judicial branch upon the advent of some perceived need therefore. Rather, the DRPA is clear that such revenue shall be used for alternative forms of dispute resolution which ease the burden on the courts and empower members of each community to resolve their own disputes with the help of volunteer ADR providers. A wide range of community support and resources leverage DRPA funding.</p>	

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				<p>The following rationale for this position is composed of three elements; programs intent, authorized use of DRPA funds, and authorized types of DRPA services.</p> <p>PROGRAMS INTENT Please consider the following references as to the intent of DRPA programs.</p> <p>The DRPA states as its legislative purpose in Article 1, Sections 465 (a) & (b) of the Statutes:</p> <p>(a) “The resolution f many disputes can be unnecessarily costly, time-consuming, and complex when achieved through formal court proceedings where the parties are adversaries and are subjected to formalized procedures.”</p> <p>(b) “To achieve more effective and efficient dispute resolution in a complex society, greater use of alternatives to the courts, such as mediation, conciliation, and arbitrations should be encouraged. Community dispute resolution programs and increased use of other alternatives to the formal judicial system may offer <i>less threatening and more flexible</i> forums for persons of all ethnic, racial and socioeconomic backgrounds.... A non-coercive dispute resolution forum ni the community may also provide a valuable <i>prevention and early intervention problem-solving resource</i> to the community.”</p> <p>Section 465.6 (a) through (3) further states the legislative intent as permitting “counties to accomplish all of the following”:</p> <p>(a) Encouragement and support of the development and use of alternative dispute resolution techniques.</p> <p>(b) Encouragement and support of <u>community</u></p>	

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				<p><u>participation</u> in the development, administration, and oversight of local programs designed to facilitate the informal resolution of disputes among members of the community.</p> <p>(c) Development of structures for dispute resolution that may serve as models for resolution programs in other communities.</p> <p>(d) Education of communities with regard to the availability and benefits of alternative dispute resolution techniques.</p> <p>(e) Encouragement of courts, prosecuting authorities, public defenders, law enforcement agencies, and administrative agencies to work in cooperation with, and to make referrals to dispute resolution programs.”</p> <p>AUTHORIZED USE OF DRPA FUNDS The DRPA is quite precise as to the use of DRPA funds. Please consider the following references regarding the use of DRPA funds.</p> <p>Sections 467.2 Eligibility for Program Funding states: A program shall not be eligible for funding under this chapter unless it meets all of the following requirements:</p> <p>(a) Compliance with this chapter and the applicable rules and regulations of the advisory council.</p> <p>(b) Provision of neutral persons adequately trained in conflict resolution techniques as required by the rules and regulations promulgated by the advisory council pursuant to Section 471.</p> <p>(c) Provision of dispute resolution, on a sliding scale basis, and without cost to indigents.</p> <p>(d) Provision that, upon consent of the parties,</p>	

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				<p>a written agreement or an award resolving a dispute will be issued setting out a settlement of the issues involved in the dispute and the future responsibilities of each party.</p> <p>(e) Provision of neutral procedures applicable equally to all participants without any special benefit or consideration given to persons or entities providing funding for the programs.</p> <p>(f) Provision that participation in the program is voluntary and that the parties are not coerced to enter dispute resolution.</p> <p>(g) Provision of alternative dispute resolution is the primary purpose of the program.</p> <p>(h) Programs operated by counties that receive funding under this chapter shall be operated primarily for the purposes of dispute resolution, consistent with the purposes of this chapter.</p> <p>ARTICLE 5, Payment Procedures, Section 469</p> <p>Upon approval of the county, funds available for the purposes of this chapter shall be used of the costs of operation of approved programs.... All monies allocated for the purposes of this chapter shall be apportioned and distributed to programs in the county taking into account the relative population and needs of a community as well as the availability of existing dispute resolution facilities offering alternatives to the formal judicial system.</p> <p>ARTICLE 6, Funding Section 470.3, Fees for Support of Programs</p> <p>c) the fees described in subdivisions (a) and (b) shall only be utilized for support of the dispute resolution programs authorized by this chapter.</p>	

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				<p>AUTHORIZED TYPES OF SERVICES With regard to the type of services authorized by DRPA funding please consider the following:</p> <p>DRPA Regulations – Section 3602 Dispute Resolution Services</p> <p>a) “Dispute Resolution Services refers to a variety of dispute resolution processes and techniques, both proven and experimental, which are designed to assist parties in resolving disputes without the necessity of formal judicial proceedings...”</p> <p>ARTICLE 5. County Use of Fees and Grant Management, Section 3660 Filing Fee Revenues</p> <p>d) Funds generated under the Act shall be used only to fund services authorized by the Act and these regulations. Such funds shall not be used by a county to fund:</p> <ol style="list-style-type: none"> 1) Family conciliation court or conciliation and mediation services pursuant to section 607 or 4351.5 of the Civil Code or 2) Judicial arbitration pursuant to section 1141.10 et seq of the Code of Civil Procedure or any other formal or mandatory judicial arbitration program, or 3) Any other programs or services not expressly authorized by the Act or these regulations. <p>The DRPA also requires activities which support the direct delivery of dispute resolution services as follows: DRPA Regulations, Article 1, Section 3602, (b)</p> <p>“Collateral services refers to screening and intake of</p>	

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				<p>disputant, preparing for and conducting dispute resolution proceedings, drafting agreements and/or awards, providing information and/or referral services and conducting follow-up surveys.”</p> <p>These provisions speak to the fact that DRPA funds were established for the specific purpose of advancing and promoting community mediation and conciliation programs. We do not support the notion that simply because DRPA funds are collected through the mechanism of assessment via court filing fee, it is appropriate to “realign” the funds away from the purpose they were legislatively mandated to serve.</p> <p>In addition to the arguments rooted in statute and regulation, DRPA funding supports services which divert litigants and potential litigants from the judicial system. If DRPA funds were directed away from the provision of community ADR services in order to meet the needs of self-represented litigants, that money would effectively serve to deliver more cases on to the court’s already overburdened doorstep.</p> <p>Existing community mediation programs offer an effective means of dispute resolution which does not require court intervention. If self-help centers for non-represented litigants were established and funded by methods other than abolishing DRPA monies, self-help centers could refer cases to community mediation with the intent of keeping the dispute completely out of court. Conversely, community mediation programs could refer disputants to self-help centers in cases where a mutual resolution could not be achieved. Community mediation programs and self-help centers may hold the potential for a complementary relationship.</p>	

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51.	Neal Blacker Executive Director Los Angeles County Bar Association Dispute Resolution Services 261 South Figueroa St., Ste. 310 Los Angeles, CA 90012	AM	Y	Section VII.G refers to the Dispute Resolution Program Act (DRPA). The language infers that all DRPA monies should be administered by and used solely for the judicial system. This is a serious mistake and erroneous conclusion. Community mediation programs funded by the DRPA Act divert thousands of cases each year from the court track by settling cases – mostly pro per participants. Furthermore, research demonstrates that cases mediated prior to trial settle on average much earlier in the court system.	Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies.
52.	Ken Lake President Placer Dispute Resolution Service Cynthia Spears Program Administrator Placer Dispute Resolution Service	AM		<p>Placer Dispute Resolution Services does not agree with Task Force Recommendation VII: Fiscal Impact – Strategy VII.H “Court-Based Fees Be used for Court-Based Self-Help Services (2) Dispute Resolution Program Act (DRPA) funds (page 37).</p> <p>DRPA funds are specifically intended to provide community mediation and conciliation services as intended by DRPA legislation enacted in 1986. Filing fees are a convenient collection method and not an indication that the funds are “justice system revenue” intended for use by the judicial branch. Rather, the DRPA speaks clearly to the fact that such revenue shall be designated for community ADR programs.</p> <p>Such programs ease the burden on the courts and enable members to the community to resolve their own disputes outside the aura of the court system. The DRPA permits the counties to encourage and “support community participation in the development, administration, and oversight of local programs designed to facilitate the informal resolution of disputes among members of the community.” The Act further encourages “courts prosecuting authorities, public defenders , law enforcement agencies and administrative agencies, to work in</p>	Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies.

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				<p>cooperation with and to make referrals to dispute resolution programs.” The Act does not foresee that DRPA funding may be subsumed by the court for the provision of other services.</p> <p>In fact, the DPRA states as its purpose (Article 1, Sections 465 (a) & (b) of the Statutes):</p> <p>(a) “The resolution of many disputes can be unnecessarily costly, time-consuming, and complex when achieved through formal court proceedings where the parties are adversaries and are subjected to formalized procedures.</p> <p>(b) “To achieve more effective and efficient dispute resolution in a complex society, greater use of alternatives to the courts, such as mediation, conciliation, and arbitration should be encouraged. Community dispute resolution programs and increased use of other alternatives to the formal judicial system may offer less threatening and more flexible forums for persons of all ethnic, racial, and socioeconomic backgrounds.... A non-coercive dispute resolution forum in the community may also provide a valuable prevention and early intervention problem-solving resource to the community.”</p> <p>Community mediation programs offer an efficient and effective means of dispute resolution which does not require court intervention. If self-help centers were established and funded by methods other than “realigning” DRPA monies (which would mean the demise of existing community mediation programs), the centers could refer cases to community mediation with the intent of keeping the dispute completely out of the court context. In addition, Community mediation programs could refer parties to self-help centers in cases where a mutual resolution</p>	

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				<p>could not be achieved.</p> <p>In summary, we do not agree with the concept of “realignment” of DRPA monies to fund self-help centers for non-represented litigants because: 1) this money has an existing legislatively designated intent 2) the Action Plan’s recommended use of this money is not consistent with the purpose, requirements, or provisions of the DRPA 3) the plan redirects disputes currently handled outside the court system by community mediation programs, back to the already over burdened court system.</p>	
53.	Charles Regal, MSW Director of ADR Services Community Boards 3130 24th St. San Francisco 94110	AM	Y	<p>Community Boards strongly opposes these proposed changes to the Dispute Resolutions Programs Act. The clear intention of this Act is to fund ADR programs that intervene and ameliorate disputes before they are even brought to the courts for settlement. The funding provided by the DRPA Act is for alternatives to the courts, not for the courts themselves.</p> <p>For the successful implementation of this project the Task Force could advantage of the tremendous resources and knowledge base that already exist among the community based ADR mediation organizations throughout the state, many of which are pioneers in the ADR field. In San Francisco, for example, Community Boards currently has 370 active volunteer mediators and facilitators, many of whom are lawyers, who are highly skilled and who could be very helpful to reaching the goal of this project.</p> <p>We also have nearly thirty years of experience with ADR programs that have been replicated internationally. The same is true for many other community based ADR organizations in this state. By</p>	Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies.

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				<p>taking advantage of these already established and effective proven resources, this Task Force would not have to "re-invent the wheel." It would also enjoy the support and good will of community based mediation organization and their combined constituencies throughout the state.</p> <p>I believe that fostering a supportive, collaborative approach in developing this project with the community based ADR organizations statewide will produce the most successful results. To do this I would begin by quickly eliminating the perception that this project is going encroach upon the DRPA funding and threaten to decimate us.</p> <p>The horrible economic condition we are all presently under and our close involvement in the drafting of the DRPA Act, make every organization like ours want to band together to defend our survival.</p>	
54.	<p>Jennifer Bullock Manager of Mediation Programs Peninsula Conflict Resolution Center 520 S. El Camino Real Ste. 640 San Mateo, CA 94402</p>	AM	Y	<p>This statement represents the Peninsula Conflict Resolution Center's (PCRC) concerns about the fiscal recommendations made by the Judicial Council's Task Force on Self-Represented Litigants. PCRC is a non-profit, community mediation and conflict resolution center established in 1986 which provides a wide variety of mediation services to residents and businesses in San Mateo County.</p> <p>We are concerned about Recommendation VII. Fiscal Impact, sub-section G, which suggests that "court-based fees be used for court-based self-help services". One of the possible revenue sources listed in that section is the Dispute Resolution Programs Act (DRPA).</p> <p>As stated by the California Department of Consumer Affairs, the Dispute Resolution Programs Act of 1986 (codified at California Business and Professions</p>	<p>Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies.</p>

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				<p>Code 465-471.5) "provides for the local establishment and funding of informal dispute resolution programs. The goal of the Act is the creation of a state-wide system of locally-funded programs which will provide dispute resolution services (primarily conciliation and mediation) to county residents."</p> <p>DRPA funds are critical to the ability of community mediation centers such as PCRC to provide free or low cost mediation services to individuals dealing with conflict. This year, PCRC received \$133, 556 from DRPA, a sizable portion of our budget for community mediation. This money enables PCRC to operate community mediation programs in 13 cities and provide services to the 60, 000 residents of unincorporated areas in San Mateo County. This includes cases that are on their way to the court system or have already been filed in court. We receive referrals from all courts in our County as well as the Court ADR Coordinator and the District Attorney Consumer Fraud Unit. PCRC also provides mediation services for homeowner disputes involving Codes, Covenants and Restrictions which might otherwise end up in court.</p> <p>We support efforts to strengthen services for self-represented litigants, one of which is the provision of low cost or free dispute resolution services. However, we feel strongly that DRPA funds were intended to support dispute resolution programs, and specifically community-based, volunteer-driven programs. Diverting these funds will have a significant adverse effect on the delivery of mediation services in San Mateo County and throughout the state. For these</p>	

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				reasons, we ask that DRPA funds be preserved for the purpose originally intended by the legislature.	
55.	Dorothy J. Cox Interim Dispute Resolution Program Coordinator Placer County Executive Office 175 Fulweiler Ave. Auburn, CA 95603	AM	Y	<p>Placer County agrees in concept with the overall Action Plan; however, the county cannot support or agree to the utilization of fees that are designated under the Dispute Resolution Program Act (DRPA) as stated in Recommendation VII - Fiscal Impact; Section G - "Court Based fees to be used for court-based self-help services". The use of DRPA funds is clearly stated in the Act itself and in the program regulations, which are governed by the State Department of Consumer Affairs.</p> <p>DRPA funds are fully utilized in Placer County to provide critical and predominantly non-justice system based mechanisms to solve a wide variety a community related problems related to: noise, pets, parking, property use, landlord/tenant, annoyance complaints, neighborhood hassles, property damage, money, workplace problems, organizational conflicts, family disputes, commercial/consumer, government relations and school/community. As one of the nation's fastest growing counties, Placer County's reliance on community based mediation services continues to dramatically increase. The county has a contract in place with Placer Dispute Resolution Services Inc., a community-based non-profit corporation (CBO) to provide these crucial services to our rapidly growing communities.</p> <p>The fact that DRPA fees are collected through a justice related mechanism cannot be translated to mean that the funds can be shifted for use by the courts. Along with the DRPA, the court collections' process funds a wide variety of critical community programs, including Alcohol and Drug Programs, Domestic Violence Prevention, AIDS education,</p>	Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies.

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				<p>general county and city law enforcement, county District Attorneys, county Public Defenders, and the state Department of Motor Vehicles. A more complete listing of state departments and city and county programs funded through court-related collection mechanisms is included in the State Controller's Manual of Accounting and Audit Guidelines for Trial Courts.</p> <p>In the aforementioned section, the Action Plan states: "A realignment of revenue should be sought to direct justice-system-related revenue within the judicial branch", and "Increases in filing fees to subsidize self-help centers were not considered appropriate at this time in light of competing critical needs such as court facilities, and the fact that courts fees are already heavily laden with a variety of special assessments. Should a realistic opportunity for the institution of such fees arise, it should be pursued." In fact, a realignment of undesignated justice-system-related revenues is already occurring through the recent passage of AB1759. "Special assessments" include designated funding that is already sent to the state to fund general court operations, court facilities, and court security.</p> <p>Placer County is at a loss to understand how the DRPA, a designated funding source which has been in place for almost 20 years, could be proposed as "justice-system-related revenue" any more than other non-justice controlled programs funded through the courts as a public entrance door. We urge the task force to reconsider its recommendation regarding funding examples and delete any references to the DRPA.</p>	
56.	Pastor Herrera Jr. Director, Los Angeles County	AM	Y	The Los Angeles County Department of Consumer Affairs is pleased to comment on the September 24,	No response required.

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	Department of Consumer Affairs			<p>2003 draft "Statewide Action Plan for Self-Represented Litigants." We acknowledge the work of the Task Force and value the importance of assisting self-represented litigants. Our comments concern the sources of proposed funding for self-help programs.</p> <p>We believe that funding for self-help programs should come from the cost savings they generate, not from the destruction and possible elimination of the extremely successful Dispute Resolution Program Act (DRPA) programs or from the existing, successful Small Claims Advisor programs operating throughout the state.</p> <p>Comment #1 – Funding for Self-Help Programs Should Come from the Savings They Generate</p> <p>A major justification for the creation and expansion of self-help initiatives is the cost savings they will provide the courts. Page 2 of the draft report states: "Cost savings to the courts produced by pro per assistance programs have already been documented in terms of savings in courthouse time; reduction in inaccurate paperwork, inappropriate filings, unproductive court appearances, and resulting continuances and in expeditious case management and settlement services." Funding for self-help should come from savings to the court. If savings to the court are not sufficient to fund self-help, it would call into question the benefit and effectiveness of self-help programs.</p> <p>Comment #2 DRPA Funds Should Not be Diverted to Self-Help Programs.</p>	<p>Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies or small claims advisors.</p> <p>The challenge for the courts is their funding is being cut back so dramatically that many of these savings have had to be used for long-established court programs. Additionally, part of the function of court-based self-help centers is to encourage increased access and the use of court programs by litigants who would not traditionally use the court system. While increasing usage of the court for peaceful resolution of disputes and to vindicate important rights is of huge benefit to society, there may be additional demands upon court time. Just as the small claims advisors and DRPA programs save significant time for the court, they also require resources to provide this needed service.</p>

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				<p>Recommendation VII, Section G, which appears on page 25 of the draft report, states that DRPA funds should be used to fund self-help. We respectfully disagree. DRPA and Self-Help exist for different purposes. DRPA exists to keep people out of court by resolving disputes through community based dispute resolution programs. Self-help exists to get people into court and efficiently through the process.</p> <p>While self-help is new and the savings and benefits it may generate are as yet largely undocumented, DRPA has operated since 1986 with great success. Every case resolved through DRPA is a case that will never see court. The cost savings to the court during DRPA's more than 15 years of operation are enormous and well-documented.</p> <p>One of the reasons for DRPA's success is that disputes are resolved through community dispute resolution programs. Individual counties, not the state, are in the best position to administer these programs, as they, not the state, best know the needs of their communities. The legislature foresaw the value of community based mediation and their vision and intent is clearly reflected in the Legislative Findings and Declaration spelled out in Section 465 of the California Business and Professions Code. Given the vast success and demonstrated cost savings of DRPA, we strongly oppose any recommendation to divert these funds to self-help.</p> <p>Comment #3: Small Claims Advisor Funds Should Not be Diverted to Self-Help Programs</p> <p>Recommendation VII Section G, which appears on</p>	<p>First, the language of the recommendation is being modified to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies or small claims advisors.</p> <p>However, the Task Force is concerned that a number of statements made about the nature of self-help services does not fit the reality of services that are being provided in many counties.</p> <p>Many self-help services provide mediation assistance to help them resolve their disputes. In fact, it is the first optional service specifically authorized by the Family Law Facilitator statute (Family Code 10005 (a)(1)).</p> <p>In a number of smaller counties, the DRPA program and court-based self-help programs work closely together to provide seamless services to litigants.</p> <p>The Task Force supports the importance of mediation services to assist self-represented litigants and encourages its provision in self-help centers in ways that are appropriate for a local jurisdiction.</p> <p>Again, this language will be modified to make it clear that the goal of the Task</p>

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				<p>page 25 of the draft report, also recommends that Small Claims Advisor fees be diverted to fund self-help. Again, we must respectfully, but strongly, disagree.</p> <p>Self-Help programs exist to assist litigants in cases where lawyers could appear in court on their behalf if they had the money or inclination to hire one. Small claims advisors assist litigants for a court in which no attorneys are involved.</p> <p>Self-Help assists litigants with complicated cases where attorneys would normally appear in court on a litigant's behalf. Due to the complexity of these cases, most Self-Help Centers need attorneys to provide counseling – a necessary, but expensive component. By contrast, small claims advisors in Los Angeles and other counties are not attorneys and can provide assistance in a more cost effective manner.</p>	<p>Force is to encourage collaboration with small claims advisors and DRPA programs.</p> <p>The Task Force wants to note that a number of self-help centers currently provide assistance with small claims matters by having the small claims advisor located in the self-help center. This provides litigants with a central location to resolve a variety of legal issues.</p> <p>While the task force realizes the cost-savings of not having attorneys provide guidance in these matters, it is concerned that many small claims matters are actually quite complex and that attorney supervision of paralegals might enhance the quality of service to the public.</p>
57.	Mia A. Baker Legislation Chair State Bar Standing Committee on the Delivery of Legal Services	A	y	<p>The Standing Committee appreciates the Task Force's work in drafting this plan which will greatly facilitate access to the courts in California, assist self-represented litigants, and provide an opportunity for legal services and pro bono programs to better coordinate local services with the courts. The Standing Committee finds the Statewide Action Plan for Serving Self-Represented Litigants to be a comprehensive, practical and excellent blueprint that, if implemented, will result in a landmark improvement in providing access to the California justice system for all self-represented litigants, particularly those who are indigent or of modest means.</p> <p>We especially support Recommendation I and all of its Strategies; Recommendation II, Strategies D and H; Recommendation III.B; Recommendation VI and</p>	<p>No response required.</p> <p>No response required.</p>

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				<p>all of its Strategies; and Recommendation VII, Strategies A, C, and E. The Standing Committee's brief comments and recommendations are as follows:</p> <p style="text-align: center;">Recommendations of the State Bar Standing Committee on Delivery of Legal Services</p> <p>Suggested changes and/or additions are underlined.</p> <p>Strategies:</p> <p>I.B., 6: Self-help centers should work with certified lawyer referral services, <u>and State Bar qualified legal services and pro bono programs</u>, and...</p> <p>I.C., 2. The self-help centers should be encouraged to work with <u>qualified legal services</u> organizations....</p> <p>II.D. Add new subsection 3: <u>Identify and translate key documents into other languages.</u></p> <p>III.B. Add new subsection 4. <u>Develop guidelines for identifying self-help litigants who, for various reasons, should seek legal representation and an organized system for referring such litigants to appropriate organizations, such as certified lawyer referral services programs, qualified legal services organizations and pro bono programs.</u></p> <p>III.B., 5: The Committee recommends</p>	<p>Agree, will modify language accordingly.</p> <p>Agree, will modify language accordingly.</p> <p>Agree, will modify language accordingly.</p> <p>Agree, will modify language accordingly.</p> <p>The Task Force is concerned about</p>

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				<p>consideration of the addition of a new subsection 5., recommending that local courts report to the AOC annually on their respective planning process and their prior-year accomplishments.</p> <p>V.C. LOCAL COURTS PROVIDE LAW ENFORCEMENT, LOCAL BAR ASSOCIATIONS, LAW LIBRARIES, <u>LAW SCHOOLS</u>, LOCAL DOMESTIC VIOLENCE COUNCILS,...</p> <p>V.D. THE JUDICIAL COUNCIL CONTINUE TO COORDINATE WITH THE STATE BAR OF CALIFORNIA, THE LEGAL AID ASSOCIATION OF CALIFORNIA, THE CALIFORNIA COMMISSION ON ACCESS TO JUSTICE, <u>LAW SCHOOLS</u>, AND OTHER...</p> <p>VII.E.: Minimum staffing levels <u>to provide core services, with appropriate referral mechanisms in place.</u></p> <p>VII.F.,4: Must not restrict access to courts <u>in any other way, and must always be waivable.</u></p>	<p>imposing a reporting requirement on local courts without providing funding to support that requirement.</p> <p>Agree, will modify language accordingly.</p> <p>Agree, will modify language accordingly.</p> <p>Agree, will modify language accordingly.</p> <p>Agree, will modify language accordingly.</p>
58.	<p>Presiding Judge Paul Anthony Vortmann Superior Court of Tulare County President, Conference of California County Law Library Trustees and Librarians</p> <p>Anne R. Bernardo President, Conference of California County Law Librarians</p>	AM	Y	<p>The Plan clearly outlines the hard work of the Task Force in reviewing services for the self-represented litigants and we commend its efforts to craft recommendations for improving the public's access to justice. However, we find a critical deficiency in the Plan by its omission of the State's <i>first</i> self-help centers, the county public law libraries. We respectfully point this out to you for your serious consideration as you move this Plan forward.</p> <p>For over a century California's county public law libraries have provided legal materials and legal reference assistance to all. The law library is often the first stop for citizens who have a need for legal</p>	<p>Agree. Will emphasize the importance of the law libraries.</p> <p>Agree. No response required.</p>

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				<p>information. To deliver its services, law libraries may provide legal resources with books, electronic databases, general and email legal reference service, legal research, Internet and computer workstations and instruction. Some libraries provide facility space for the court's self-help center. The 2002 CCCLL survey shows an average of forty-five percent of law library patrons are laypeople using the library's materials and reference services to study their legal issues, obtain information, and prepare their court forms. In some counties, that percentage is much higher. Often, the self-represented litigants become return users of the law library as they pursue their issue further, e.g., to appeal, collecting on a judgment.</p> <p>Several county law libraries have been conducting individual and group classes for self-represented litigants on a regular basis. These programs are expected to expand statewide in 2004. A federal grant was awarded to the San Diego County Public Law Library to provide its self-represented litigants' class training and materials to other California law librarians via a "Train the Trainer" program. Since 2001, county law librarians have also participated as the legal specialists in the California State Library's 24/7 online real-time public reference project. The "Ask a Law Librarian" links are found on the Judicial Council's Self-Help website, individual library websites, and through public reference librarians throughout California. Demand has been tremendous and more county law libraries were added to respond to that demand. County law library service is no longer limited to a library's four walls.</p> <p>As you are aware, county law libraries are funded primarily by a portion of the court's filing fee in civil</p>	

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				<p>actions only. Over the last ten years, law libraries have had to live with dramatic revenue declines due to the increasing number of fee waivers and use of alternative dispute resolution. At the same time, inflation and the cost of legal materials have escalated annually. Law libraries maintain a precarious budget balancing act by limiting its resources and essential services.</p> <p>The Conference would likely oppose any recommendation from the Task Force to increase filing fees for self-represented litigant services apart from the law libraries. When filing fees go up, fee waivers go up, and law library revenue suffers. It is sad to report that in the past few years several of our county law libraries have already had to severely reduce their staffing and hours, stop updating their books, become a computer workstation only, or transferred their responsibilities to the public library. Furthermore, as courthouse space needs have changed, several libraries have been displaced from the courthouse making it more difficult for the self-represented litigants to obtain ready access to legal information.</p> <p>The statewide Plan as drafted is far-reaching. Many of its recommendations and strategies affect the county law libraries. Should the work of the county law libraries and the programs they have already developed for self-represented litigants be included in more detail in the Plan, the Conference would be able to discuss a support position. We cordially invite the Task Force to explore coordination, collaboration, integration and/or partnership of efforts with Ms. Pfremmer and the county law libraries to strengthen the Plan.</p>	<p>This is not a recommendation that the Task Force has made. At such time that a fee increase be considered, the Task Force would anticipate that the needs of all partners be considered including those of law libraries, small claims advisors and mediations services.</p> <p>The plan will be revised to more fully reflect the important role of law libraries.</p>

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				The county public law libraries have long served as a frontline in the public's access to justice. We strongly urge the Task Force to consider our concerns and to recognize the impact and level of assistance that California's county law libraries provide to the self-represented litigants. Thank you for your support of our law libraries and the opportunity for input.	
59.	Shirlie-Mae P. Mamaril Asian Pacific American Dispute Resolution Center 1145 Wilshire Blvd., Suite 100 Los Angeles, CA 90017			<p>I am writing to offer feedback on <i>Statewide Action Plan for Self-Represented Litigants</i>. The Asian Pacific American Dispute Resolution Center (APADRC) is a non-profit community based agency that offers a range of dispute resolution services to residents of Los Angeles County. We are aware that the action plan addresses dire state-wide needs of self-represented litigants and is an important step in guarding the needs and concerns of self-litigants. We applaud the Task Force on Self-Represented Litigants for its excellent and comprehensive approach and vision regarding the issue of self-represented litigants.</p> <p>The APADRC is one of the LA County DRPA contractors who receive funds from the DRPA fund base. We wanted to share some feedback and comments on one section of the report:</p> <p>Section VII.G. Court Based Fees used for court based self-help services <i>Reference to Dispute Resolution Programs</i></p> <p>It is important that community based programs continue to be funded through DRPA funding pool. First, in Los Angeles County, we face a population of disputants of whom a large portion need basic access to language based services in the field of</p>	

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				<p>ADR. Community based non-profits can provide such services that are culturally and linguistically competent for this segment of the population who are often underserved or unfamiliar with dispute resolution services.</p> <p>APADRC and other agencies perform the necessary community outreach to work with these marginalized communities. Another important function of agencies such as ours is that we work effectively, when necessary, with the courts to provide outreach for their services as well. Public education is a key to disputants' effective use of the wide array of dispute resolution services provided by community and court programs. APADRC holds bi-weekly mediation clinics in various locations of LA County, and we make appropriate referrals to the court or other community based programs that clients often need. This vital community engagement will be lost without the presence of agencies who work directly within a specific community's setting. Finally, supporting community and court programs allows for important innovation and research in the field. Many cases are appropriate for mediation within the court setting, while others are more appropriate for the community based setting. Having a wide range of options that are indeed, <i>appropriate</i> dispute resolution services is vital to the wide range of disputes that Los Angeles County residents face on a regular basis. One example of a dispute we recently resolved was a feud between two families and their sons who had a physical altercation on a community basketball court. The families expressed a deep appreciation for the mediation option, and specifically for the competency of the mediators in understanding the community based conflicts they faced. The agency who referred the case told us that mediation in this case stopped</p>	

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				<p>what might have been an inevitable drive by shooting if no mediation had taken place. Community programs are vital to the mission of the DRP Act to make services accessible to as many individuals as possible.</p> <p>Again, we commend the Task Force on its recognition of the important needs of self-represented litigants and we appreciate the time and effort that was spent on this report. Please contact us if we can offer any more information or share our perspective.</p>	